

**ALABAMA LAWS**  
(and Joint Resolutions)  
  
OF THE  
**LEGISLATURE OF ALABAMA**  
  
PASSED AT THE  
  
SPECIAL SESSION 1973  
REGULAR SESSION 1973  
  
IN FOUR VOLUMES  
  
**VOL. IV**



**GEORGE C. WALLACE, Governor**  
**JERE BEASLEY, Lieutenant Governor**  
**PIERRE PELHAM, President Pro-Tem of the Senate**  
**G. SAGE LYONS, Speaker of the House**  
**JOE C. McCORQUODALE, JR., Speaker Pro-Tem of the House**  
**McDOWELL LEE, Secretary of the Senate**  
**JOHN W. PEMBERTON, Clerk of the House**

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**WITH AN INDEX PREPARED BY THE  
LEGISLATIVE REFERENCE SERVICE**

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The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1973 Special Session and the 1973 Regular Session of the Legislature of Alabama and is the official publication of such acts.

Mabel Amos  
Secretary of State

Act No. 1111

S. 893—Horne

## AN ACT

Relating to all counties having a population of not less than 35,000 nor more than 38,000 according to the last or any subsequent federal decennial census, authorizing the county commission to pay from the county general fund the employer's share of the social security tax for the member of the board of equalization.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The county commission of all counties having a population of not less than 35,000 nor more than 38,000 according to the last or any subsequent federal decennial census is hereby authorized to pay from the county general fund the employer's share of the social security tax for members of the county board of equalization.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 17, 1973.

Time: 4:00 P.M.

Act No. 1112

S. 897—O'Bannon

## AN ACT

To provide for a stenographic secretary for the District Attorney of the Thirty-First Judicial Circuit.

*Be It Enacted by the Legislature of Alabama:*

The district attorney of the thirty-first judicial circuit may appoint a stenographic secretary who shall serve at the pleasure of the district attorney and shall perform such duties as he may direct. The original compensation of such secretary shall be fixed by the district attorney at the sum of not exceeding three hundred and fifty (\$350.00) per month. The compensation of said secretary may be raised from time to time with the approval of the district attorney and the county governing body. Said compensation shall be paid in monthly installments out of the general fund of the treasury of the county constituting such circuit.

Approved September 17, 1973.

Time: 4:00 P.M.

Act No. 1113

S. 934—Lindsey

## AN ACT

To authorize and provide for the establishment of ambulance service for the sick, infirm and injured in counties having less than 16,350 nor more than 16,650 population according to the most recent Federal Decennial Census.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The governing body of incorporated municipalities, the governing body of any public hospital, and the County Commission or other like governing body of counties having less than 16,350 nor more than 16,650 population, according to the most recent Federal Decennial Census, may, jointly or severally, establish within the said county, or within any town or city in such county an ambulance service for the benefit of the sick, infirm, or injured, and may make all needful rules and regulations for control and management of such service. The above named governing bodies may jointly or severally enter into any agreement or contract with any individuals or company to provide such service, and may appropriate public funds for such service, and may appropriate public funds for such purpose.

**Section 2.** Any ambulance service established under the provisions of this Act may pick up or discharge patients beyond the boundaries of such municipality or county.

**Section 3.** The provisions of this Act are cumulative.

**Section 4.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 5.** This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 17, 1973.

Time: 4:00 P.M.

Act No. 1114

S. 943—Carr

## AN ACT

Relating to counties having a population of not less than 53,000 nor more than 55,000; to provide an additional expense allowance for the probate judge.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In all counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent decennial census the probate judge shall be paid an additional expense allowance in amount of \$3600 per annum out of the county general fund. And it shall be in addition to any and all other expense allowances, compensation, and salary provided by law.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 17, 1973.

Time: 4:00 P.M.

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Act No. 1115                      H. 709—Mims, Falkenburg, Doss, Connell,  
    Reed (T), Bank, McNair, Boutwell,  
    Erdreich, McMillan, Burgess,  
    Timmons

### AN ACT

To amend Section 1 of Act No. 1981, H. 732, Regular Session 1971, (Acts 1971, v. IV, p. 3224), which act establishes the Alabama Peace Officers Standards and Training Commission, so as to include the Alabama Board of Corrections within the meaning of a "law enforcement agency" and a "law enforcement officer."

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 1 of Act No. 1981, H. 732, Regular Session 1971, (Acts 1971, v. IV, p. 3224), is hereby amended to read as follows:

"Section 1. Definition of Terms. As used in this Act, the following words and phrases shall have the following meanings respectively unless the context clearly indicates the contrary:

"'Fund' means the Alabama Peace Officers Standards and Training Fund provided for in Section 9 of this Act.

"'Commission' means the Alabama Peace Officers Standards and Training Fund established by this Act.

"'Law Enforcement Agency' means and includes the State Department of Public Safety, the *Alabama Board of Corrections*, the police department of each incorporated city or town, the department of each sheriff of the State, including all deputy sheriffs, the enforcement division of the State Department of Conservation and each public agency in the State charged



with the enforcement of any laws and the officers or employees of which have power as such officials or employees to make arrests. It does not include the National Guard or any military organization.

“‘Law Enforcement Officer’ means and includes a policeman, deputy sheriff, deputy constable, and other official who has authority as such official to make arrests. It includes Alabama State troopers or members of the State Department of Public Safety, and the *Alabama Board of Corrections*.

“‘State’ means the State of Alabama.”

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 17, 1973.

Time: 4:25 P.M.

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Act No. 1116      H. 710—Mims, Falkenburg, Connell, Reed (T),  
Bank, Doss, McNair, Boutwell,  
Erdreich, McMillan, Burgess, Adwell,  
Timmons

### AN ACT

To amend Code of Alabama 1958 Recompiled, Title 45, Section 54, which section pertains to the providing of a convict with clothing and money upon discharge, so as to provide said convict with money for the least expensive mode of public transportation back to the point of sentencing.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Code of Alabama 1958 Recompiled, Title 45, Section 54, is hereby amended to read as follows:

“Section 54. Convict provided with clothing and money when discharged. Each state convict, at the expiration of his term of confinement, must be discharged from the penitentiary, and must be furnished with a decent suit of clothes and with *the least expensive mode of public transportation back to the point of sentencing* to be paid from the Board of Corrections General Operating Funds. But if any state convict is sick at the time his term expires, he must not be discharged except at his own request. If such convict is charged with the commission of any other criminal offense, he must be delivered to the proper sheriff or officer to answer such charge.”

**Section 2.** All laws or parts of laws which conflict with this Act are repealed.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a Law.

Approved September 17, 1973.

Time: 4:25 P.M.

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Act No. 1117      H. 711—Mims, Falkenburg, Connell, Reed (T),  
Bank, Doss, McNair, Boutwell,  
Erdreich, McMillan, Burgess,  
Timmons

### AN ACT

Further regulating deductions from penitentiary and hard labor sentences for good behavior; Amending Section 1 of Act No. 534, S. B. 353, Regular Session 1943, (Acts 1943, p. 508), and repealing Act No. 481, H. B. 552, Regular Session 1953, (Acts 1953, p. 600).

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Act No. 534, approved July 9, 1943 (General Acts of Alabama 1943, page 508), as amended, is hereby further amended to read as follows:

“Section 1. DEDUCTIONS FROM SENTENCES FOR GOOD CONDUCT.—Each prisoner who has been or shall hereafter be convicted of any offense against the laws of the State of Alabama, and is confined, in execution of the judgment or sentence upon any such conviction, in the penitentiary, or at hard labor for the county for a definite or indeterminate term, other than for life, whose record of conduct shows that he has faithfully observed all the rules and has not been subjected to punishment, shall be entitled to a deduction from the term of his sentence to be estimated as follows, commencing on the first day of the execution of the sentence. Upon a sentence of not less than six months nor more than one year, *eight* days for each month; upon a sentence of more than one year and less than three years, *ten* days for each month; upon a sentence of not less than three years, and less than five years, *eleven* days for each month; upon a sentence of not less than five years and less than ten years, *thirteen* days for each month; upon a sentence of ten years or more, *fifteen* days for each month. When a prisoner is serving two or more terms of imprisonment and the sentences run consecutively, then all such sentences shall be combined for the purpose of computing deductions for good conduct and release date; however, the actual deduction from sentence for good conduct provided by this section shall apply only to sentences being served and to be

served. When a prisoner is serving two or more sentences which run concurrently the longer term shall be considered the term to which such prisoner is sentenced for the purpose of computing such good conduct deductions. When computing the deductions allowed in this section on indeterminate sentences the maximum sentence shall be the basis for the computation."

**Section 2.** The amendments effected by this Act shall not affect rights and duties that matured or penalties imposed before the effective date of this enactment.

**Section 3.** Act No. 481, approved September 3, 1953, (Acts of Alabama 1953, page 600) and all laws and parts of laws in conflict herewith are hereby repealed.

**Section 4.** This Act shall become effective ninety days after its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 17, 1973.

Time: 4:25 P.M.

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Act No. 1118                      H. 777—Dill, Falkenburg, Doss, Erdreich,  
Boutwell

### AN ACT

To amend Section 2 of Act Number 106 of the 1959 Regular Session of the Legislature of the State of Alabama.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 2 of Act Number 106 of the 1959 Regular Session of the Legislature of the State of Alabama (Section 257(2) of Title 46 of the *Code of Alabama* 1940 (Recompiled 1958)) is hereby amended to read as follows:

Scope of powers; practice of healing arts defined.—The board as above constituted shall have exclusive power and authority to issue all licenses or duplicates of licenses authorizing the licensee to practice the healing arts, as defined herein, in the State of Alabama, and for the purposes of this article, practice of the healing arts is defined as offering or undertaking to diagnose, treat, operate on, or prescribe for any human pain, injury, disease, deformity, or physical or mental condition, provided that nothing in this article shall be construed as applying to dentists, pharmacists, nurses, midwives, shoe-fitters or salesmen, barbers, cosmeticians, Christian Scientists, dispensing opticians or optometrists, or clinical psychologists practicing

within the limits of their respective callings; nor to the sale, manufacture, or advertising of drugs, medicines, appliances for the prevention or relief of foot ailments or discomforts, household remedies, chemicals, and household preparations, provided that the vendor, maker or advertiser refrains from any attempt to diagnose; *nor to fellows, residents, interns or medical students who are employed by or who are taking courses of instruction at the University of Alabama School of Medicine or such other medical schools or colleges, hospitals, or institutions in Alabama as may be approved by the Board of Medical Examiners and provided that the work of the fellows, residents, interns or medical students is performed within the facilities of such medical schools or colleges, hospitals, or institutions under the supervision of a licensed physician and as an adjunct to his course of study or training, and until said fellows, residents, interns, or students meet training requirements for licensure under the laws of the State of Alabama and the regulations of the Board of Medical Examiners of the State of Alabama.*

**Section 2.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 17, 1973.

Time: 4:25 P.M.

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Act No. 1119

H. 778—Dill, Falkenburg, Doss, Erdreich,  
Boutwell

### AN ACT

To amend Section 12 of Act No. 107 adopted at the 1959 Regular Session of the Legislature of the State of Alabama so as to exempt from the criminal penalties provided therein the work performed under certain conditions by fellows, residents, interns or medical students who are employed by, or who are taking courses of instruction or training at, any facility of The University of Alabama School of Medicine or any other medical school, hospital or institution in a program supervised by the faculty of said School of Medicine.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 12 of Act No. 107 adopted at the 1959 Regular Session of the Legislature of the State of Alabama (Section 257 (37) or Title 46 of the 1958 Recompile of the

Code of Alabama of 1940) shall be and hereby is amended to read as follows:

"Section 12. *Practice Without Certificate Forbidden.* Except as hereinafter provided, any person practicing the healing arts, or any branch thereof, without having obtained a valid certificate from the Alabama State Board of Examiners in the Basic Sciences shall, upon conviction, be fined not less than fifty (50) dollars nor more than five hundred (500) dollars at the discretion of the jury, and, in addition, may be imprisoned in the county jail at the discretion of the trial judge for not exceeding six (6) months; and for a second or subsequent offense the punishment shall be a fine of not less than one hundred (100) dollars nor more than five hundred (500) dollars at the discretion of the jury, and imprisonment in the county jail for not exceeding twelve (12) months, the term of such imprisonment to be fixed by the trial judge. Each day of such violation shall constitute a separate offense, and in no case shall the person convicted be entitled to recover anything for the services rendered. *However, nothing in this section or article shall apply to fellows, residents, interns or medical students who are employed by or who are taking courses of instruction at the University of Alabama School of Medicine or such other medical schools or colleges, hospitals, or institutions in Alabama as may be approved by the Board of Medical Examiners and provided that the work of the fellows, residents, interns or medical students is performed within the facilities of such medical schools or colleges, hospitals, or institutions under the supervision of a licensed physician and as an adjunct to his course of study or training, and until said fellows, residents, interns, or students meet training requirements for licensure under the laws of the State of Alabama and the regulations of the Board of Medical Examiners of the State of Alabama.*

**Section 2.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 17, 1973.

Time: 4:25 P.M.

## AN ACT

To amend Section 3 of Act Number 109 of the 1959 Regular Session of the Legislature of the State of Alabama amending Section 262 of Title 46 of the **Code of Alabama** 1940 (Recomp 1958).

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** That Section 3 of Act Number 109 of the 1959 Regular Session of the Legislature of the State of Alabama amending Section 262 of Title 46 of the *Code of Alabama* 1940 (Recomp 1958) is hereby amended to read as follows:

Any person who practices medicine, osteopathy, or chiroprody, or offers to do so in this state without a certificate of qualification having been issued in his behalf by the State Board of Medical Examiners and without a license and certificate of registration from the State Licensing Board for the healing arts, shall be guilty of a misdemeanor, and, upon conviction, shall be fined for each offense not less than fifty nor more than five hundred dollars, and may be imprisoned in the county jail for not less than one month nor more than three months. And where indictments are preferred by a grand jury, such cases shall only be tried in the court wherein the indictment is preferred and shall not be transferred to any other court. *However, nothing in this section or article shall apply to fellows, residents, interns or medical students who are employed by or who are taking courses of instruction at the University of Alabama School of Medicine or such other medical schools or colleges, hospitals, or institutions in Alabama as may be approved by the Board of Medical Examiners and provided that the work of the fellows, residents, interns or medical students is performed within the facilities of such medical schools or colleges, hospitals, or institutions under the supervision of a licensed physician and as an adjunct to his course of study or training, and until said fellows, residents, interns, or students meet training requirements for licensure under the laws of the State of Alabama and the regulations of the Board of Medical Examiners of the State of Alabama.*

**Section 2.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 17, 1973.

Time: 4:25 P.M.

Act No. 1121      H. 817—Smith (P), Grainger, Agee, Edwards,  
King, Casey, Culver, Bank, Parker,  
Hale, Lutz

### AN ACT

To provide for participation by the State of Alabama in the Interstate Library Compact.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The Interstate Library Compact is hereby enacted into law and entered into by this state with all states legally joining therein in the form substantially as follows:

## INTERSTATE LIBRARY COMPACT

### Article I. Policy and Purpose

Because the desire for the services provided by libraries transcends governmental boundaries and can most effectively be satisfied by giving such services to communities and people regardless of jurisdictional lines, it is the policy of the states party to this compact to cooperate and share their responsibilities; to authorize cooperation and sharing with respect to those types of library facilities and services which can be more economically or efficiently developed and maintained on a cooperative basis, and to authorize cooperation and sharing among localities, states and others in providing joint or cooperative library services in areas where the distribution of population or of existing and potential library resources make the provision of library service on an interstate basis the most effective way of providing adequate and efficient service.

### Article II. Definitions

As used in this compact:

(a) "Public library agency" means any unit or agency of local or state government operating or having power to operate a library.

(b) "Private library agency" means any nongovernmental entity which operates or assumes a legal obligation to operate a library.

(c) "Library agreement" means a contract establishing an interstate library district pursuant to this compact or providing for the joint or cooperative furnishing of library services.

### Article III. Interstate Library Districts

(a) Any one or more public library agencies in a party state in cooperation with any public library agency or agencies in one or more other party states may establish and maintain

an interstate library district. Subject to the provisions of this compact and any other laws of the party states which pursuant hereto remain applicable, such district may establish, maintain and operate some or all of the library facilities and services for the area concerned in accordance with the terms of a library agreement therefor. Any private library agency or agencies within an interstate library district may cooperate therewith, assume duties, responsibilities and obligations thereto, and receive benefits therefrom as provided in any library agreement to which such agency or agencies become party.

(b) Within an interstate library district, and as provided by a library agreement, the performance of library functions may be undertaken on a joint or cooperative basis or may be undertaken by means of one or more arrangements between or among public or private library agencies for the extension of library privileges to the use of facilities or services operated or rendered by one or more of the individual library agencies.

(c) If a library agreement provides for joint establishment, maintenance or operation of library facilities or services by an interstate library district, such district shall have power to do any one or more of the following in accordance with such library agreement:

1. Undertake, administer and participate in programs or arrangements for securing, lending or servicing of books and other publications, any other materials suitable to be kept or made available by libraries, library equipment or for the dissemination of information about libraries, the value and significance of particular items therein, and the use thereof.

2. Accept for any of its purposes under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm or corporation, and receive, utilize and dispose of the same.

3. Operate mobile library units or equipment for the purpose of rendering bookmobile service within the district.

4. Employ professional, technical, clerical, and other personnel, and fix terms of employment, compensation and other appropriate benefits; and where desirable, provide for the in-service training of such personnel.

5. Acquire, hold, and dispose of any real or personal property or any interest or interests therein as may be appropriate to the rendering of library service.

6. Construct, maintain and operate a library, including any appropriate branches thereof.



7. Do such other things as may be incidental to or appropriate for the carrying out of any of the foregoing powers.

#### **Article IV. Interstate Library Districts, Governing Board**

(a) An interstate library district which establishes, maintains or operates any facilities or services in its own right shall have a governing board which shall direct the affairs of the district and act for it in all matters relating to its business. Each participating public library agency in the district shall be represented on the governing board which shall be organized and conduct its business in accordance with provision therefor in the library agreement. But in no event shall a governing board meet less often than twice a year.

(b) Any private library agency or agencies party to a library agreement establishing an interstate library district may be represented on or advise with the governing board of the district in such manner as the library agreement may provide.

#### **Article V. State Library Agency Cooperation**

Any two or more state library agencies of two or more of the party states may undertake and conduct joint or cooperative library programs, render joint or cooperative library services, and enter into and perform arrangements for the cooperative or joint acquisition, use, housing and disposition of items or collections of materials which, by reason of expense, rarity, specialized nature, or infrequency of demand therefor would be appropriate for central collection and shared use. Any such programs, services or arrangements may include provision for the exercise on a cooperative or joint basis of any power exercisable by an interstate library district and an agreement embodying any such program, service or arrangement shall contain provisions covering the subjects detailed in Article VI of this compact for interstate library agreements.

#### **Article VI. Library Agreement**

(a) In order to provide for any joint or cooperative undertaking pursuant to this compact, public and private library agencies may enter into library agreements. Any agreement executed pursuant to the provisions of this compact shall, as among the parties to the agreement:

(1) Detail the specific nature of the services, programs, facilities, arrangements or properties to which it is applicable.

(2) Provide for the allocation of costs and other financial responsibilities.

(3) Specify the respective rights, duties, obligations and liabilities of the parties.

(4) Set forth the terms and conditions for duration, renewal, termination, abrogation, disposal of joint or common property, if any, and all other matters which may be appropriate to the proper effectuation and performance of the agreement.

(b) No public or private library agency shall undertake to exercise itself, or jointly with any other library agency, by means of a library agreement any power prohibited to such agency by the constitution or statutes of its state.

(c) No library agreement shall become effective until filed with the compact administrator of each state involved, and approved in accordance with Article VII of this compact.

#### **Article VII. Approval of Library Agreements**

(a) Every library agreement made pursuant to this compact shall, prior to and as a condition precedent to its entry into force, be submitted to the attorney general of each state in which a public library agency party thereto is situated, who shall determine whether the agreement is in proper form and compatible with the laws of his state. The attorneys general shall approve any agreement submitted to them unless they shall find that it does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public library agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within ninety (90) days of its submission shall constitute approval thereof.

(b) In the event that a library agreement made pursuant to this compact shall deal in whole or in part with the provision of services or facilities with regard to which an officer or agency of the state government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having such power of control and shall be approved or disapproved by him or it as to all matters within his or its jurisdiction in the same manner subject to the same requirements governing the action of the attorneys general pursuant to paragraph (a) of this article. This requirement of submission and approval shall be in addition to and not in substitution for the requirement of submission to and approval by the attorneys general.

#### **Article VIII. Other Laws Applicable**

Nothing in this compact or in any library agreement shall be construed to supersede, alter or otherwise impair any obligation imposed on any library by otherwise applicable law, nor to

authorize the transfer or disposition of any property held in trust by a library agency in a manner contrary to the terms of such trust.

### **Article IX. Appropriations and Aid**

(a) Any public library agency party to a library agreement may appropriate funds to the interstate library district established thereby in the same manner and to the same extent as to a library wholly maintained by it and, subject to the laws of the state in which such public library agency is situated, may pledge its credit in support of an interstate library district established by the agreement.

(b) Subject to the provisions of the library agreement pursuant to which it functions and the laws of the states in which such district is situated, an interstate library district may claim and receive any state and federal aid which may be available to library agencies.

### **Article X. Compact Administrator**

Each state shall designate a compact administrator with whom copies of all library agreements to which this state or any public library agency thereof is party shall be filed. The administrator shall have such other powers as may be conferred upon him by the laws of his state and may consult and cooperate with the compact administrators of other party states and take such steps as may effectuate the purposes of this compact. If the laws of a party state so provide, such state may designate one or more deputy compact administrators in addition to its compact administrator.

### **Article XI. Entry into Force and Withdrawal**

(a) This compact shall enter into force and effect immediately upon its enactment into law by any two (2) states. Thereafter, it shall enter into force and effect as to any other state upon the enactment thereof by such state.

(b) This compact shall continue in force with respect to a party state and remain binding upon such state until six (6) months after such state has given notice to each other party state of the repeal thereof. Such withdrawal shall not be construed to relieve any party to a library agreement entered into pursuant to this compact from any obligation of that agreement prior to the end of its duration as provided therein.

### **Article XII. Construction and Severability**

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision

of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

**Section 2.** No county, municipality, or other political subdivision of this state shall be party to a library agreement which provides for the construction or maintenance of a library pursuant to Article III, subdivision (c) 7 of the compact, nor pledge its credit in support of such a library, or contribute to the capital financing thereof, except after compliance with any laws applicable to such counties, municipalities, or other political subdivisions relating to or governing capital outlays and the pledging of credit.

**Section 3.** As used in the compact, "state library agency" with reference to this state, means the Alabama Public Library Service.

**Section 4.** An interstate library district lying partly within this state may claim and be entitled to receive state aid in support of any of its functions to the same extent and in the same manner as such functions are eligible for support when carried on by entities wholly within this state. For the purposes of computing and apportioning state aid to an interstate library district, this state will consider that portion of the area which lies within this state as an independent entity for the performance of the aided function or functions and compute and apportion the aid accordingly. Subject to any applicable laws of this state, such a district also may apply for and be entitled to receive any federal aid for which it may be eligible.

**Section 5.** The Director of the Alabama Public Library Service shall be the compact administrator pursuant to Article X of the compact. The Director of the Alabama Public Library Service may appoint one or more deputy compact administrators pursuant to said article.

**Section 6.** In the event of withdrawal from the compact the Governor shall send and receive any notices required by Article XI(b) of the compact.

**Section 7.** All laws or parts of laws which conflict with this act are repealed.

**Section 8.** This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 17, 1973.

Time: 4:25 P.M.

Act No. 1122

H. 1004—Roberts

## AN ACT

To authorize County governing bodies to enter into contracts with Federal Government.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The County Commissions or like governing body, in addition to all other powers and authority is hereby authorized and empowered to enter into contracts, leases, compacts or any other form of agreement with the United States of America or any of its agencies, departments, bureaus, divisions or institutions, with the State of Alabama or any of its agencies, departments, bureaus, divisions or institutions, and with any other county within or without the State for the purpose of receiving or acquiring funds, matching funds, services, materials, supplies, buildings, structures, water-ways and docking facilities, and any and all other benefits deemed for the public interest in the promotion of industrial, agricultural, recreational or any other beneficial development.

**Section 2. TERMS AND CONDITIONS.** Such contracts, leases, compacts or other forms of agreement may contain such covenants and considerations as considered reasonable and necessary and for public use only, including but not limited to, contributions by the county either in funds or materials, supplies, machinery, services, labor, rights-of-way, easements, buildings, terminals and related facilities for water-way improvements and expansion: and may contain such other provisions of maintenance, idemnification and utility facilities as may be required by the contracting agencies to provide a useful and feasible development for use by the public.

**Section 3.** That all laws and parts of laws, general, special, private or local, in conflict with or inconsistent with the provisions of this act be, and the same are hereby expressly repealed.

**Section 4.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional by

any court of competent jurisdiction, such declaration shall not affect the part or parts which remain.

**Section 5.** This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved September 17, 1973.

Time: 4:25 P.M.

Act No. 1123

H. 1145—Hughes, Boles, Bowers, Ellis,  
Erdreich, Gafford, Timmons,  
McMillan, McBride, Waggoner,  
McNair, Doss

### AN ACT

To regulate the change of zoning classification by the governing bodies of counties having a population in excess of 600,000 according to the last or any subsequent Federal Decennial census and by the governing bodies of municipalities located in such counties; to provide for notice of a proposed change in zoning classification to be given to the owners of property located within 500 feet from the property which is the subject of the proposed change and by placing a sign upon the property which is the subject of the proposed change; to authorize any property owner receiving notice of a proposed change in zoning classification to protest such proposed change; and, to provide that in the event a protest should be filed with respect to any proposed change in zoning classification by fifty percent or more of the property owners receiving such notice, such change shall not be effected without the affirmative vote of a minimum of two-thirds of the members of such governing body.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The provisions of this Act shall apply to all counties having a population in excess of 600,000 according to the last or any subsequent Federal Decennial census and to all municipalities in such counties. As used herein, the term "governing body" shall mean the governing body of any county or municipality subject to the provisions of this Act. The phrase "change in zoning classification" shall include, without limitation, any change, modification or amendment of zone district boundaries.

**Section 2.** No governing body subject to the provisions of this Act shall enact any change in the zoning classification of any property subject to the zoning jurisdiction of such county or municipality without first giving written notice a minimum of 15 days prior to the proposed date of such enactment to all owners of property located in whole or in part within 500

feet from the boundaries of the property which is the subject of the proposed change in zoning classification, as shown by the records of the office of the Tax Assessor of such county on a date not more than one year prior to the date of such notice. Such notice shall state the street address of the property, if any, which is the subject of the proposed change in zoning classification and shall also state that a protest may be filed with respect to such proposed change in accordance with the provisions of Section 3 of this Act. Such notice shall be deemed given when deposited in the United States mail, first class postage prepaid, addressed to such property owners at their addresses as shown on the records of the office of the Tax Assessor of such county on the date such owners are determined. Any error in the address of any such notice shall not invalidate the giving of notice pursuant to this Section provided that no more than 5% of the total number of notices given with respect to any proposed change in zoning classification contain any such error.

**Section 3.** Any property owner to whom such notice is given may protest such proposed change in zoning classification by filing with the office of the clerk of the governing body giving such notice on or before three days prior to the proposed date of such enactment a written protest signed by such property owner.

A protest with respect to property owned by more than one property owner jointly or as tenants in common may be signed by any one of such owners. Only one protest shall be allowed with respect to each separately assessed unit of property.

**Section 4.** The notice and protest provided under the provisions of this Act shall be in addition to any other notice or protest provided under prior law. To the extent possible, the provisions of this Act shall be construed as supplementary to prior law and not in derogation thereof.

**Section 5.** The provisions of this Act are severable. In the event that any section, clause or provision hereof shall be held invalid or unenforceable, such holding shall not invalidate or render unenforceable any other section, clause or provision hereof.

**Section 6.** This Act shall become effective immediately upon its passage and approval by the governor or upon its otherwise becoming a law, but shall not apply to any change of zoning classification initiated prior to its effective date.

Approved September 17, 1973.

Time: 4:25 P.M.

Act No. 1124

H. 1150—Casey

**AN ACT**

To empower and authorize each corporation organized under the Alabama Non Profit Corporation Act (Acts of 1955, p. 1254, approved September 12, 1955) as amended, and each other corporation not of a business character organized under, or created by, any statute of the State of Alabama, to guarantee or stand surety for the obligations of another non profit corporation if the articles of incorporation of such corporation grant such power to it.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Each corporation incorporated under the provisions of the Alabama Non Profit Corporation Act (Act No. 578, approved at the 1955 Regular Session of the Legislature, Acts of 1955, p. 1254, et seq., approved September 12, 1955) and each other corporation not of a business character organized under, or created by, any statute of the State of Alabama (herein called the "Guarantor") shall have power and authority to guarantee or become surety for the obligations of any other non profit corporation or corporation not of a business character, whether incorporated under the Alabama Non Profit Corporation Act or organized under, or created by, any statute of the State of Alabama (herein called the "Obligor");

Provided that the articles of incorporation or certificate of incorporation of the Guarantor, as originally filed or as amended, specifically grant such power; and

Provided further that the board of directors, board of trustees or other governing body of the Guarantor shall have authorized such guarantee or becoming surety.

**Section 2.** The enactment of this act shall not be considered as any indication of a legislative intent or determination that the power or authority of any existing non-profit corporation to guarantee or stand surety for the debts or obligations of another non-profit corporation does not now exist under the laws of this State.

**Section 3.** This act shall become effective immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved September 17, 1973.

Time: 4:25 P.M.

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Act No. 1125

H. 1185—Lang, Casey, Fite, Pruitt, Williams,  
McCluskey, Grey (D), Coshatt,  
Stokes, Agee, Headley, Wise



## AN ACT

To amend Sections 3 and 4 of Act No. 566, S. 117, p. 1046, Volume II, Acts of Alabama, Regular Session of the Legislature 1969, effective 2/1/70, the title of which act is, "To provide for Supernumerary Clerks of the Circuit Courts and Registers of said Courts in Equity, in the various counties of the State Alabama having a population of less than 600,000 population according to the last federal census, describing their duties, setting up the requirements and qualifications, fixing their compensation, status and tenure of office and providing for the payment of their salaries," by increasing the minimum and maximum salary allowed for such Supernumerary officials and providing for repayment of the amount of salary paid into the general fund of the county by such Clerks and Registers if their tenure of office is terminated prior to their becoming supernumerary.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 3 of Act No. 566, S. 117, p. 1046, Volume II, Acts of Alabama, Regular Session of the Legislature 1969, is hereby amended to read as follows:

"Section 3. Every such Supernumerary official, *who has been appointed heretofore or who may hereafter be appointed*, shall serve for life and receive in equal monthly installments on the first of each month an annual salary of 50 percent of the average yearly compensation he received from every source because of his official position for the past four years as such official, said supernumerary salary not to be less than *Four Thousand Five Hundred Dollars (\$4500.00)* nor more than *Six Thousand Five Hundred Dollars (\$6500.00)* per annum and paid from the general fund of the county."

**Section 2.** Section 4 of Act No. 566, S. 117, p. 1046, Volume II, Acts of Alabama, Regular Session of the Legislature 1969, is hereby amended to read as follows:

"Section 4. The governing body of each county in which the Clerk of the Circuit Court or the Register of such court, in Equity, is paid a salary, shall begin deducting upon the effective date of this act and each month thereafter from the salaries of such officials an amount equal to 4 percent of the monthly salary paid such official up to Fifteen Thousand Dollars (\$15,000.00). Such sum shall be deducted monthly and paid into the general fund of the county. If such officials are compensated by fees and commissions, each such official, upon the effective date of this act and annually thereafter, shall pay to the general fund of the county an amount equal to 4 percent of the total sum up to Fifteen Thousand Dollars (\$15,000.00) of all fees and commissions collected during the preceding twelve months as compensation as such official. Such compensation shall include all fees and commissions from any and all sources because of his official position. If any person subject to the provisions of this act shall end his tenure

of office prior to becoming supernumerary as provided herein, the amount paid by him into the county general fund under the provisions of this section, shall be repaid to him. In the event such persons shall die in office prior to becoming supernumerary, such sum shall be paid to his estate. No official shall be eligible to become supernumerary unless two years payments as provided by this section have been paid. However, any official who otherwise qualifies may become eligible upon the passage of this act, by paying in a lump sum an amount equal to 4 percent of his compensation up to Fifteen Thousand Dollars (\$15,000.00) during the past two years of office."

**Section 3.** This act shall become effective upon the first day of the first month following its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 17, 1973.

Time: 4:25 P.M.

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Act No. 1126     H. 1272—McDonald, Bassett, St. John, Wallace, Bank, Warren, Taylor, Wynot, Boles, Doss, Drake, Carter, Lyons, Cross, Chesnut, Porter, Waldrop, Goodwin, Grey (D), Flippo, Williams, Crowe, Naramore, McBride, Wood, Roberts, Hardin, May, Kinsey, Benton, Wise, Jackson, Connell, Crawford, Coshatt, Mims, Barkett, Lang, Reed (T), Edwards, Smith (K), Snell, Adams, Brassell, McCluskey, Casey, Cottingham, O'Daniel, Agee, McCorquodale, Harris, Callahan, Jones (F), Barron, Therrell, Perloff, Downing

### AN ACT

To amend Code of Alabama, 1940, Title 52, Sections 364 and 365, which relate to the Teachers' Retirement System, amending such sections in relation to membership service creditable toward retirement and to provide for a conditional appropriation.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Code of Alabama 1940, Title 52, Section 364, as amended, is hereby further amended to read as follows:

"Section 364. **MEMBERSHIP.** The membership of the retirement system shall consist of the following: All persons who shall become teachers after the date of establishment shall become members of the retirement system as a condition of their employment. Any person who is a teacher on the date of establishment shall become a member as of that date unless within a period of ninety days next following such teacher shall file with the Board of Control on a form prescribed by the Board of notice of his election not to be covered in the membership of the system and a duly executed waiver of all present and prospective benefits which would otherwise inure to him on account of his participation in the retirement system.

A teacher in service on October 1, 1973 whose membership in the retirement system was contingent on his own election and who elected not to become a member, may thereafter apply for and be admitted to membership with all prior service credit and with all membership service credit as otherwise provided for in this chapter by applying for such membership within 150 days from the effective date of this Act, provided said teacher pays to the treasurer of the said retirement system on or before October 1, 1974, a sum equal to the total contributions which he would have made as a member during the period of his employment as a teacher from September 1, 1941 to the date of his application for membership, plus compound interest of 8% on such contributions. Any member, or any retired member, who at one time taught as a non-member, may now receive credit for prior service and for the years taught as a non-member provided said member, or said retired member, within 150 days from the effective date of this Act, pays to the treasurer of the said retirement system a sum equal to the total contributions which he would have made as a member during the period of his employment as a teacher from September 1, 1941 to the date he became a member, plus compound interest of 8% on such contributions. As soon as practicable after the expiration of the time for making such elections, the Department of Education, at the request of the Governor, shall furnish him a report of the number of teachers in service who applied for membership or credit for prior service. The Board of Control of the Teacher's Retirement System shall determine and report to the Governor the employer cost for such coverage.

"Notwithstanding the foregoing, on and after October 1, 1963, no person who has attained age sixty-one shall become a member of the system unless such person shall previously have been a member of this system or of the Employees' Retirement System of Alabama. The Board of Control may, in

its discretion, deny the right to become members to any class of teachers whose compensation is only partly paid by the state or who are serving on a temporary or other than per annum basis, and it also may, in its discretion, make optional with members in any such class their individual entrance into the retirement system. Should any member in any period of six consecutive years after becoming a member be absent from service more than five years, or withdraw his contributions, as provided in subsection (3) of Section 366 of this title, or retire or die, he shall thereupon cease to be a member; provided that the Board of Control may continue the membership of a member entering directly into the armed forces of the United States if he does not withdraw his contributions as provided in subsection (3) of Section 366 of this title. Anything in this chapter to the contrary notwithstanding, if any member enters directly into the armed forces of the United States and does not withdraw his contributions, as provided in subsection (3) of Section 366 of this title, and if he returns to service as a teacher within one year and six months after having been honorably discharged from the armed forces (time spent in Institutions of Higher Learning as a full time college student under such criteria as may be established by the Board of Control shall be excluded in limiting time for return to service), membership service credit may be granted by the Board of Control for the period of such service in the armed forces, provided that he makes up his contributions for the period of his service in the armed forces before the attainment of age sixty, on the basis of his rate of earnable compensation at the time his service in the armed forces commenced, provided that effective February 1, 1960, such members cannot receive credit for more than four years of military service. In addition thereto compound interest of 8% from date of re-entry to teaching service to the date of payment shall be collected on such contributions. Any teacher who entered directly into the armed forces of the United States after August 27, 1940, but prior to September 1, 1945, without having become a member and who returns to service as a teacher within one year and six months after having been honorably discharged from the armed forces (time spent in Institutions of Higher Learning as a full time college student under such criteria as may be established by the Board of Control shall be excluded in limiting time for return to service) and who elects to become a member within ninety days thereafter may be deemed by the Board of Control to be a member at establishment and be entitled to credit for prior service, including service in the armed forces up to the date of establishment of the retirement system, and to credit for membership service for the period of his service in the armed forces after the date of establishment of the retirement

system under the same conditions as credit for membership service is allowed members entering into the armed forces after the date of establishment. Except as hereinafter provided, no benefit under the retirement system other than the return of contributions as provided in subsection (3) of Section 366 of this title shall become payable to or on account of any member while he is not in service as a teacher, unless the member withdraws from service after reaching age sixty, and further provided that a teacher who becomes a member on or after October 1, 1963 must have ten or more years creditable service when he withdraws from service after reaching age sixty. Anything in this title to the contrary notwithstanding, any member who, at the time of his withdrawal from service, has completed the age and service requirements established by the Board of Control for eligibility for deferred benefits shall be eligible to continue in the membership of the system until he files application for service retirement in accordance with the provisions of Section 366 of this title. The Board of Control shall, from time to time, establish the minimum age and the minimum number of years of creditable service which shall be required in order that a member may be eligible for deferred benefits, provided that such minimum number of years of creditable service shall not be less than ten years nor more than twenty-five years. Unless and until changed by the Board of Control, the requirements for deferred benefits shall be the completion of twenty-five years of creditable service or the completion of ten years of creditable service and the attainment of age fifty-five at the time of withdrawal from service."

**Section 2.** Code of Alabama 1940, Title 52, Section 365, as amended, is hereby further amended to read as follows:

"Section 365. CREDITABLE SERVICE. (1) Under such rules and regulations as the Board of Control shall adopt, each person, who was a teacher prior to the date of establishment of the system, and who under the provisions of this Act makes up contributions plus 8% compound interest on such contributions for the time said teacher taught as a non-member and who becomes a member prior to October 1, 1974 shall file a detailed statement of all service as a teacher rendered by him prior to the date of establishment for which he claims credit. The Board of Control shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to one year of service, but in no case shall it allow any credit for a period of absence without pay for more than one month's duration, nor shall more than one year of service be creditable for all service in one calendar year. Service rendered for a regular school year shall be equivalent to one year's service. Subject to the above restrictions and to such other rules and regulations as the Board of Control may adopt, the

Board of Control shall verify, as soon as practicable after the filing of such statements of service, the service therein claimed. Upon verification of the statements of service, the Board of Control shall issue prior service certificates certifying to each member the length of service rendered prior to the date of establishment, with which he is credited on the basis of his statement of service. Any prior service certificate heretofore issued not providing for the maximum prior service to which the member is entitled shall be revised to include such credit. So long as a membership continues, a prior service certificate shall be final and conclusive for retirement purposes as to such service, provided, however that any member may request the Board of Control to modify or correct his prior service certificate. When membership ceases, a prior service certificate shall become void. Should a teacher again become a member, he shall enter the system as a teacher not entitled to prior service credit. Creditable service at retirement on which the retirement allowance of a member shall be based shall consist of the membership service rendered by him since he last became a member, and also if he has a prior service certificate which is in full force and effect, the amount of the service certified on his prior service certificate. (2) Any teacher, or retired teacher, who became a member of the retirement system before July 1, 1973, and who prior to said date had been ineligible to receive credit for service rendered as a teacher prior to September 1, 1941, for reasons other than having taught as a non-member shall be eligible under the rules and regulations adopted by the Board of Control in accordance with the provisions of this chapter to receive credit for all service as a teacher rendered by him prior to the date of establishment of the retirement system provided such person has never waived his claim on the funds of the retirement system by withdrawing his accumulated contributions to said fund, and provided that said member has not been absent from service more than five years in any period of six consecutive years after becoming a member of the retirement system. (3) Any teacher who was a member of the teachers' retirement system as of September 9, 1955, shall be eligible to receive credit for service rendered as a state employee on a full time basis prior to October 1, 1945, under such rules and regulations as may be adopted by the Board of Control in accordance with the provisions of this chapter. (4) Anything in this chapter to the contrary notwithstanding, any teacher who is now a member of the teachers' retirement system, or who becomes a member of the teachers' retirement system at a future date, who had previously withdrawn his funds from either the teachers' retirement system or the employees' retirement system or whose account had been terminated due to a five (5) years absence, shall have

restored to him all creditable service provided that said teacher completes five (5) years of contributing membership service after he again becomes a member of the retirement system and provided that said teacher repays to the treasurer of the retirement system the amount previously returned to him including compound interest of 8% to the date of repayment, within eight (8) months after completion of five (5) years of contributing membership service, or if such teacher has already completed five (5) years of contributing membership service when this act becomes effective then within one year after the effective date hereof. (5) Anything in this chapter to the contrary notwithstanding any teacher who has been retired from service and who is now receiving a service retirement allowance, or a disability retirement allowance, pursuant to section 366 of this title, who had five (5) years or more of contributing membership service in the teachers' retirement system immediately prior to being retired and who had previously withdrawn his funds either from the teachers' retirement system or from the employees' retirement system or whose account had been terminated due to a five (5) years absence, shall have restored to him all creditable service provided that said retired teacher repays to the treasurer of the retirement system within one (1) year after the effective date of this Act the amount previously returned to him including compound interest of 8% to the date of repayment."

**Section 3. APPROPRIATION.** There is hereby appropriated from the Alabama Special Education Trust Fund for the fiscal year ending September 30, 1974 the amount of \$2,324,100 and for the fiscal year ending September 30, 1975 the amount of \$2,324,100 for the purpose of carrying out the provisions of this Act. Provided further that such appropriations shall be conditional upon the condition of the treasury and released at the discretion and upon approval of the Governor after he has been furnished the employer cost.

**Section 4.** It is further provided that if this Act cannot be put into effect October 1, 1973 with appropriations to fund the provisions of the Act then upon funds being provided at a future date the limiting dates for repayment of funds by those teachers in the various Sections of the Act shall be moved forward providing the same time limit as if the Act had gone into effect October 1, 1973.

**Section 5.** This Act shall become effective October 1, 1973 or any date thereafter at the discretion of the Governor upon the passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 17, 1973.

Time: 4:30 P.M.

Act No. 1127      H. 1361—Culver, Bank, Robertson, Parker  
**AN ACT**

To provide for compensation of Deputy District Attorneys No. 1, No. 2, and No. 3 of the Sixth Judicial Circuit.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Deputy District Attorneys No. 1, No. 2 and No. 3 of the Sixth Judicial Circuit shall be paid by the State of Alabama an annual salary of four thousand and eight hundred dollars (\$4,800.00) payable as the salaries of other state officers are paid.

**Section 2.** All laws or parts of laws which conflict with this act are repealed.

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 17, 1973.

Time: 4:30 P.M.

Act No. 1128      H. 1409—St. John, Drake, McDonald  
**AN ACT**

To authorize each county in this state to sell and issue from time to time interest-bearing warrants for the purpose of paying costs of acquiring and providing water works systems; to provide that such warrants shall evidence general obligation indebtedness of the county; to provide that such warrants may, at the discretion of the governing body of the county, be additionally secured by a pledge or pledges of the revenues from any such system or the proceeds from certain taxes, or both such revenues and taxes; to specify the effect and priority of any such pledges; and to authorize the refunding of any such warrants.

*Be It Enacted by the Legislature of Alabama:*

**Section 1. Legislative Intent.** It is the intention of the Legislature by the passage of this act to authorize each county in the state to finance the acquisition by such county, through purchase, construction or otherwise, of one or more water works systems by the sale and issuance of interest-bearing warrants of such county for payment of costs of acquiring such system or systems. This act shall be liberally construed in conformity with the said intention.

**Section 2. Definitions.** Wherever used in this act, unless a different meaning clearly appears in the context, the follow-



ing terms shall be given the respective interpretations specified in this section.

“County” means each county in the state.

“Governing body” means the commission or other governing body of a county.

“Municipality” means a municipal corporation in the state.

“State” means the State of Alabama.

“Water works system” means facilities for the gathering, collecting, impounding, treatment, transmission, and distribution, or any of them, of water for domestic use or for industrial use, or both, together with all appurtenances to any such facilities and all property used or useful in connection with such facilities, including franchises.

**Section 3. Authorization of Issuance of Warrants.** Each county shall have the power from time to time to sell and issue interest-bearing warrants of such county for the purpose of paying costs to that county of acquiring and providing one or more water works systems for the purpose of rendering water service in any part of the county; provided, that the county shall not render water service within any municipality except pursuant to franchise granted to the county by such municipality. Any warrants issued under the provisions of this act may be in such denomination or denominations, may have such maturity or maturities not exceeding thirty years from their date, may bear interest from their date at such rate or rates payable at such times, may be payable at such place or places within or without the state, may be sold at such time or times and in such manner, whether publicly or privately, may be executed in such manner, and may contain such terms not in conflict with the provisions of this act, all as the governing body of such county may provide in the proceedings wherein the warrants are authorized to be issued. All such warrants shall evidence general obligation indebtedness of the county by which they are issued, and the full faith and credit of the county shall be irrevocably pledged for the payment of the principal thereof and interest thereon. The proceeds derived from the sale of any such warrants shall be used solely for the purpose for which they are authorized to be issued, including the payment of any expenses incurred in connection with the issuance thereof.

**Section 4. Special Pledges.** The governing body of the county issuing any such warrants may, in its discretion assign and specially pledge, for the payment of the principal of and interest on such warrants, so much as may be necessary for

said payment of any one or more of the following (or any part thereof):

(a) The proceeds from the general annual ad valorem tax of  $\frac{1}{2}$  of 1% which the county is authorized to levy without reference to the purpose thereof under the provisions of Section 215 of the Constitution of Alabama of 1901;

(b) The proceeds from any other tax (including any ad valorem tax and any privilege, license or excise tax) that at the time of the issuance of the said warrants may lawfully be used by the county for payment of such principal and interest;

(c) The revenues derived by the county from any water works system of the county.

To the extent necessary and sufficient for making the payments in respect of which such pledge is made, any tax or revenues pledged pursuant to the provisions of this section shall constitute a trust fund or funds which shall be impressed with a lien in favor of the holders of the warrants to the payment of which such sums are pledged. In the event that more than one pledge should be made with respect to any tax or revenues the pledge of which is herein authorized, then such pledges shall take precedence in the order in which they are made unless the proceedings making such pledge shall expressly provide that such pledge shall be on a parity with or subordinate to a subsequent pledge thereof. All warrants for which the pledge authorized in this section may be made shall constitute preferred claims against that portion of the said tax or taxes or revenues so pledged (subject to any prior lawful pledges thereof in existence at the time of the issuance of the warrants, whether made under the provisions of this or any other statute), and shall have preference over claims incurred by the county for operation and maintenance of any water works system of the county and any other claims for any other purpose whatsoever.

**Section 5. Authorization of Refunding Warrants.** Each such county may in like manner from time to time issue refunding warrants, either by sale or by exchange, for the purpose of refunding a like or greater principal amount of warrants then outstanding which were issued under the provisions of this act and the interest thereon and paying any premium necessary to be paid to retire the outstanding warrants refunded thereby. The provisions of this act applicable to the warrants so refunded shall likewise be applicable to such refunding warrants.

**Section 6. Warrants to be Legal Investments for Trust Funds.** Unless otherwise directed by the court having juris-

diction thereof, or by the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers, invest trust funds in warrants issued under the provisions of this act.

**Section 7. Issuance of Warrants Deemed to Constitute Audit and Allowance of Claim.** The issuance of warrants and any interest coupons applicable thereto, pursuant to the provisions of this act and in accordance with the authorization of the governing body of the county issuing such warrants, shall be deemed to constitute an audit and allowance by such governing body of a claim, in the aggregate principal amount of such warrants and interest coupons, against the county and against any tax proceeds and any revenues, or either thereof, pledged for payment of such warrants pursuant to the provisions of this act. No proof of registration or other audit or allowance of such claim shall be required and such warrants and interest coupons shall, from and after the date of their lawful issuance, be deemed to be allowed claims against the county by which they were issued and against any tax proceeds and revenues, or either, so pledged therefor.

**Section 8. Provisions Hereof Control.** Insofar as the provisions of this act may be inconsistent with the provisions of any other law, the provisions of this act shall control, it being hereby specifically declared that the provisions of Section 78 of Title 12 of the Code of Alabama of 1940 shall not be applicable to the warrants issued under the provisions of this act.

**Section 9. Severability.** If any clause or provision of this act shall be, or be declared to be, invalid, any such invalidity shall not affect any other clause or provision hereof that is not in itself invalid.

**Section 10. Effective Date.** This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved September 17, 1973.

Time: 4:30 P.M.

Act No. 1129

H. 1425—King, Hearn, Hale, Lutz

## AN ACT

To amend Section 3 of Act No. 476, H. B. 627, Regular Session 1955 (Acts 1955, p. 1084), as amended, which section relates to the compensation of the deputy district attorney of the Twenty-third Judicial Circuit, so as to further regulate the compensation of said deputy district attorney.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 3 of Act No. 476, H. B. 627, Regular Session 1955 (Acts 1955, p. 1084), as amended, is hereby further amended to read as follows:

"Section 3. Each deputy district attorney of the twenty-third judicial circuit shall be paid by the State of Alabama, an annual salary of six thousand dollars (\$6,000) payable as the salaries of other state officers are paid. The exact amount of the compensation of each deputy district attorney shall be determined by the district attorney of the twenty-third judicial circuit but such compensation shall be determined by him in accordance with the following table and criteria. There is hereby established a pay table with the grade level and step pay increases within each grade level as follows:

LEVEL	STEP				
1	7,800	8,575	9,350	10,125	10,900
2	9,350	10,125	10,900	11,675	12,450
3	10,900	11,675	12,450	13,225	14,000

"(a) The district attorney for the twenty-third judicial circuit is authorized to hire entry deputy district attorneys without prior applicable legal experience at level one step one, and to increase their compensation to that set forth in level one, step two at the termination of six (6) months of such employment provided the performance of such deputy district attorney has been satisfactory to the district attorney. Thereafter increases in compensation for such deputy district attorney shall be made annually at the rate of one step increments within the grade level provided the performance of such deputy district attorney has been satisfactory to the district attorney.

"(b) The said district attorney is authorized to hire deputy district attorneys with a minimum of two (2) years of applicable legal experience at level two, step one and to increase the compensation for such deputy district attorney to that set forth in level two, step two at the termination of six (6) months of such employment provided the performance of such deputy district attorney has been satisfactory to the district attorney. Thereafter increases in compensation for such deputy district attorney shall be made annually at the rate of one step increments within the grade level provided the performance of such deputy district attorney has been satisfactory to the district attorney.

"(c) The said district attorney is authorized to hire deputy district attorneys with four (4) years of applicable legal

experience at level three, step one and to increase the compensation to that set forth in level three, step two at the termination of six (6) months of such employment provided the performance of such deputy district attorney has been satisfactory to the district attorney. Thereafter increases in compensation for such deputy district attorney shall be made annually at the rate of one step increments within the grade level provided the performance of such deputy district attorney has been satisfactory to the district attorney.

“(d) Promotions may be made when a position is vacant and authorized and an incumbent shall be considered qualified if such incumbent has a minimum of two years of applicable legal experience and has performed satisfactory [satisfactorily] while an incumbent. An incumbent so qualified may be promoted to level two and an incumbent shall be considered qualified for promotion if he has a minimum of four (4) years of applicable legal experience and has performed satisfactory [satisfactorily] while an incumbent. An incumbent so qualified may be promoted to level three.

“(e) Upon promotion to a new level an incumbent shall be placed at one step lower in his new level than the level he was in at the time of the promotion so as to give the incumbent the equivalent of a one step increase in the level from which he was promoted.”

**Section 2.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 17, 1973.

Time: 4:30 P.M.

Act No. 1130

H. 1530—Stubbs, Lyons

### AN ACT

To amend Section 3 of Act No. 96, H. 17, approved 1971, Special Session, p. 166, which levies and regulates a privilege tax against persons engaged in the business of leasing or renting tangible personal property, so as to further provide for exemptions from the computation of the amount of the tax levied.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 3 of Act No. 96, H. 17, approved 1971 Special Session, p. 166, is amended to read as follows:

"Section 3. Exemptions. There are exempted from the computation of the amount of the tax levied, assessed or payable under this Act the following:

"(a) The gross proceeds accruing from the leasing or rental of a film or films to a lessee who charges, or proposes to charge, admission for viewing the said film or films;

"(b) The gross proceeds accruing from any charge in respect of the use of docks or docking facilities furnished for boats or other craft operated on water ways;

"(c) The gross proceeds accruing from any charge made by a landlord to a tenant in respect of the leasing or furnishing of tangible personal property to be used on the premises of real property leased by the same landlord to the same tenant for use as a residence or dwelling place, including mobile homes;

"(d) The gross proceeds accruing from the leasing or rental of tangible personal property to a lessee who acquires possession of the said property for the purpose of leasing or renting to another the same property under a leasing or rental transaction subject to the provisions of this Act;

"(e) The gross proceeds accruing from any charge made by a landlord to a tenant in respect of the leasing or furnishing of tangible personal property to be used on the premises of any room or rooms, lodging, or accommodations leased or rented to transients in any hotel, motel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings or accommodations are regularly furnished to transients for a consideration;

"(f) The gross proceeds accruing from the leasing or rental of tangible personal property which the state is prohibited from taxing under the Constitution or laws of the United States or under the Constitution of the state;

"(g) The gross proceeds accruing from the leasing or rental of nuclear fuel assemblies together with the nuclear material contained therein and other nuclear material used or useful in the production of electricity and assemblies containing ionizing radiation sources together with the ionizing radiation sources contained therein used or useful in medical treatment or scientific research;

"(h) A transaction whereunder the lessor leases a truck or tractor-trailer or semitrailer, for operation over the public roads and highways, and such lessor furnishes a driver or drivers for each such vehicle, such transaction shall be deemed to

constitute the rendition of service and not a 'leasing or rental' within the meaning of this Act;

"(i) The gross proceeds accruing from the leasing or rental of vehicles in interchange between regulated motor carriers on a per diem basis; and

"(j) The gross proceeds accruing from the leasing or rental of all structures, devices, facilities and identifiable components of any thereof acquired primarily for the control, reduction or elimination of air or water pollution, and the gross proceeds accruing from the leasing or rental of all materials used or intended for use in structures built primarily for the control, reduction or elimination of air and water pollution; and

"(k) The gross proceeds derived by the lessor (which term includes a sub-lessor) from the leasing or rental of tangible personal property when the lessor and lessee (which term includes a sub-lessee) are wholly-owned subsidiary corporations of the same parent corporation or one is the wholly-owned subsidiary of the other, provided that the appropriate sales or use tax, if any was due, has been paid on such item of personal property, and provided further, that in the event of any subsequent subleasing of such tangible personal property to any person other than any such sister, parent or subsidiary corporation, any privilege or license tax due and payable with respect to such subsequent subleasing under the provisions of this act shall be paid."

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 17, 1973.

Time: 4:30 P.M.

Act No. 1131

H. 2124—Hill, Flippo

### AN ACT

Relating to the eleventh judicial circuit; providing an expense allowance for the District Attorney of such circuit; providing for a county salary supplement for such District Attorney at the beginning of his next term of office.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The District Attorney of the eleventh judicial circuit shall hereinafter receive an annual expense allowance of one thousand dollars (\$1,000), to be payable in equal monthly

installments, and to be used in carrying out the duties of the position.

**Section 2.** Effective at the beginning of the next term of office of said District Attorney, that portion of Act No. 1236, H. 1527, Regular Session 1969 (Acts 1969, p. 2333), pertaining to the salary of said District Attorney shall be expressly repealed. In lieu of the provisions of the above mentioned Act and of the annual expense allowance provided in Section 1 of this Act, such District Attorney shall at that time receive, in addition to such compensation as is provided by the state, a supplement from the county in which the circuit sits equal to twenty-five per cent (25%) of the total compensation provided by the state.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 17, 1973.

Time: 4:30 P.M.

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Act No. 1132

S. 851—Harris

### AN ACT

To make a conditional appropriation to the Special Mental Health Fund from the State General Fund for each of the two fiscal years ending September 30, 1974, and September 30, 1975.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** There is hereby appropriated from any funds in the State Treasury not otherwise appropriated the sum of two million dollars (\$2,000,000.00) for the fiscal year ending September 30, 1974, and the sum of four million dollars (\$4,000,000.00) for the fiscal year ending September 30, 1975, to the Special Mental Health Fund, conditional upon the condition of the treasury and with the approval of the Governor.

**Section 2.** This Act shall become effective October 1, 1973.

Approved September 18, 1973.

Time: 3:45 P.M.

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Act No. 1133

S. 312—Owen

### AN ACT

To provide for the planning, design, location, financing, acquisition of property for, construction, alteration, enlargement, use, maintenance,



operation, and fostering of off-street automobile parking facilities in the City of Fairhope; authorizing the city council to create a parking authority or parking committee, and providing for its membership, authority and duties.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** It is hereby determined and declared that in the City of Fairhope the free circulation of traffic of all kinds through the streets of said city is necessary to the health, safety and general welfare of the public; that in recent years, the greatly increased use by the public of motor vehicles of all kinds has caused serious traffic congestion in the streets of said city; that the parking of motor vehicles in the streets has contributed to this congestion; that such congestion prevents the free flow of traffic in, through and from the City of Fairhope and impedes the rapid and effective fighting of fires and disposition of its police force, threatens irreparable loss in the values of urban property within the city which can no longer be readily reached by vehicular traffic and endangers the health, safety and welfare of the general public; that this traffic congestion is not capable of being adequately abated except by provisions of sufficient off-street parking facilities; that adequate off-street parking facilities have not been provided and parking spaces now existing must be forthwith supplemented by off-street parking facilities provided by public undertaking; and that the enactment of the provisions of this Act is hereby declared to be a public necessity.

**Section 2.** The city council or other municipal governing body of the City of Fairhope hereby is authorized and empowered to acquire, receive, take and hold, whether by purchase, gift, lease, devise, or condemnation, or otherwise, property of every description, whether real, personal or mixed, and to manage said property and develop any undeveloped property owned, leased or controlled by such city for the purposes hereinafter set out; to execute such contracts and other instruments and to take such other action as may be necessary and convenient to carry out the provisions of this Act or to exercise the power granted hereunder; to plan, establish, acquire, construct, enlarge, improve, maintain, equip, operate, regulate and protect parking facilities; to lease or let such facilities or any one or more of them to such tenant or tenants for such term, or terms, as such compensation or rental as the council or other governing body may from time to time direct; to issue interest bearing revenue bonds payable from the limited sources hereinafter referred to; to pledge for payment of such bonds any revenues or funds from which such bonds are made payable; to make and enter into contracts, leases and agreements incidental to or necessary for the accomplishment of any purpose or purposes authorized by this Act; to make and enforce

rules and regulations governing the use of any parking facilities owned or controlled by said city; to cooperate with the state, any county, city, town, public corporation, agency, department or political subdivision of the state, and to make such contracts with them or any of them as the council or other governing body may deem advisable to accomplish the purposes of this Act; to receive and accept grants for or in aid of the construction, extension, improvement, maintenance or operation of any parking facility from the United States of America or any agency thereof, from the state, any department or agency thereof and any political subdivision thereof and to receive and accept money, property, labor or other things of value from any source whatsoever; and to do any and all things necessary or convenient for the exercise of any power herein granted.

**Section 3.** The council or other governing body is hereby specifically authorized to lease any said parking facilities constructed under the provisions of this Act; provided, however, that prior to leasing any such parking facility the council or other governing body must determine and find the following: the amount necessary in each year to pay the principal of and the interest on the bonds proposed to be issued to finance such project; the amount necessary to be paid each year into any reserve fund which the council or other governing body may deem it advisable to establish in connection with the retirement of said bonds and the maintenance of said parking facility or facilities; and, unless the terms under which the project is to be leased, provided that the lessee shall maintain the project and carry all proper insurance (including liability insurance) with respect thereto, the estimated cost of maintaining the parking facility in good repair and keeping it properly insured. The lease agreement shall provide for the payment of rentals based on such findings and determinations as are sufficient (a) to pay the principal of and interest on the bonds issued to finance the parking facility, (b) to build up and maintain any reserves deemed by the council or other governing body to be advisable in connection therewith, (c) unless the agreement of lease obligates the lessee to pay for the maintenance and proper insurance (including liability insurance) of the parking facility, to pay the cost of maintaining the parking facility in good repair and keeping it properly insured. The lease agreement may, at the discretion of the council or other governing body, contain provisions prescribing minimum operating hours, maximum operating hours, maximum charges to be collected by the operator, and other terms to be observed by the lessee.

**Section 4.** The principal of and interest on any bonds issued under this Act shall be secured by a pledge of the revenue out of which such bonds may be made payable and

may be secured by a mortgage covering all or any part of any project or projects from which the revenues so pledged may be derived, and may be secured by a pledge of the lease of such project. The proceedings under which such bonds are authorized to be issued or any such mortgage may contain any agreements and provisions customarily contained in instruments securing bonds, including, without limiting the generality of the foregoing, provisions respecting the fixing and collection of rents for any project covered by such proceedings or mortgage, the terms to be included in the lease of such project, the maintenance and issuance of such project, the creation and maintenance of special funds from the revenues from such project, and the rights and remedies available in event of default of the bond holders or to the trustee under a mortgage, all as the governing body shall deem advisable and as shall not be in conflict with the provisions of this Act; provided, however, that in making any such agreements or provisions the City of Fairhope shall not have the power to obligate itself except with respect to the project and the application of the revenues therefrom and shall not have the power to incur a pecuniary liability or a charge upon its general credit or against its taxing powers. The proceedings authorizing any bonds hereunder and any mortgage securing such bonds may provide that, in the event of default in payment of the principal of or the interest on such bonds or in the performance of any agreement contained in such proceedings or mortgage, such payment and performance may be enforced by mandamus or by the appointment of a receiver in equity with power to charge and collect rents and to apply the revenues from the project in accordance with such proceedings or the provisions of such mortgage. Any such mortgage may provide also that, in the event of default such payment or the violation of any agreement contained in the mortgage, the mortgage may be foreclosed either by sale at public outcry or by proceedings in equity, and may provide that any trustee under such mortgage or the holder of any of the bonds secured thereby may become the purchaser at any foreclosure sale if the highest bidder therefor. No breach of any such agreement shall impose any pecuniary liability upon the City of Fairhope or any charge under its general credit or against its taxing powers.

**Section 5.** Any bonds issued hereunder and at any time outstanding may at any time and from time to time be refunded by the City of Fairhope by the issuance of its refunding bonds in such amount as the governing body may deem necessary but not exceeding any amount sufficient to refund the principal of the bonds so to be refunded, together with any unpaid interest thereon and any premiums and commissions necessary to be paid in connection therewith. Any such re-

funding may be effected whether the bonds to be refunded shall have then matured or shall thereafter mature, either by sale of the refunding bonds and the application of the proceeds thereof for the payment of the bonds to be refunded thereby, or by exchange of the refunding bonds for the bonds to be refunded thereby; provided, that the holders of any bonds so to be refunded shall not be compelled without their consent to surrender their bonds for payment or exchange prior to the date on which they are payable, or if they are called for redemption, prior to the date on which they are by their terms subject to redemption. Any refunding bonds issued under the authority of this Act shall be payable solely from the revenues out of which the bonds to be refunded thereby were payable, and shall be subject to the provisions contained in Section 4. of this Act, and may be secured in accordance with the provisions of Section 3. of this Act.

**Section 6.** The proceeds from the sale of any bonds issued under authority of this Act shall be applied only for the purpose for which the bonds were issued; provided, however, that any accrued interest and premium received in any such sale shall be applied to the payment of the principal of or the interest on the bonds sold; and provided, further, that if for any reason any portion of such proceeds shall not be needed for the purpose for which the bonds were issued, then such unneeded portion of said proceeds shall be applied to the payment of the principal of or interest on said bonds. The cost of acquiring any project shall be deemed to include the following: the actual cost of the construction of any part of a project which may be constructed, including architect's and engineer's fees; the purchase price of any part of a project that may be acquired by purchase; all expenses in connection with the authorization, sale and issuance of the bonds to finance such acquisition; and the interest on such bonds for a reasonable time prior to construction, during construction, and for not exceeding six months after completion of construction.

**Section 7.** The City of Fairhope may pay out of its general funds or otherwise contribute any part of the costs of acquiring a project, and may use land already owned by the municipality, or in which the municipality has an equity, for construction thereof of a project; and the municipality may accept donations of property to be used as a part of any project and money to be used for defraying any part of the cost of any project.

**Section 8.** Bonds issued under the provisions of this Act shall be legal investments for savings banks and insurance companies organized under the laws of this state.

**Section 9.** The bonds authorized by this Act and the income therefrom shall be exempt from all taxation in the state. All property and income of the authority shall be exempt from all state, county, municipal and other local taxation; provided, however, this exemption shall not be construed to exempt concessionaires, licensees tenants, operators or lessees of or on any parking facility owned by any authority from the payment of any taxes, including license or privilege taxes levied by the state, the county or any municipality in the state.

**Section 10.** The city council or other municipal governing body may, by local ordinance, create a parking authority or parking committee to which it may delegate all authority heretofore or hereafter held by said council with respect to the development, creation, operation and general supervision of any and all matters related to public parking. Said parking committee shall be composed of not less than seven nor more than thirteen members as the city council may decide, and all such members shall be residents of the City of Fairhope and over the age of twenty-one years. In so far as is nearly mathematically possible, of the members first appointed, one-third shall be appointed for terms of two years, one-third for terms of three years and one-third for terms of four years. Thereafter all members of the committee shall serve for terms of four years. Upon the creation of the parking committee, it shall assume authority of the city council with respect to public parking in the City of Fairhope, and perform all duties in matters related thereto.

**Section 11.** Neither this Act nor anything herein contained shall be construed as a restriction or limitation upon any powers which the City of Fairhope might otherwise have under any laws of this state, but shall be construed as cumulative; and this Act shall not be construed as requiring an election by the voters of said city prior to the issuance of bonds hereunder by such municipality.

**Section 12.** If any section, provision, or clause of this Act shall be declared invalid or unconstitutional, such declaration shall not affect the part or parts which remain.

**Section 13.** This act shall become effective upon approval by a majority of the qualified electors of the City of Fairhope who vote at a referendum to be held on the first Tuesday after the expiration of three months from the final adjournment of the current session of the legislature.

Approved September 17, 1973.

Time: 4:30 P.M.

Act No. 1134

S. 396—Pelham, Noonan, Edington

**AN ACT**

To amend Sections 85 and 130 of Title 2 of the Code of Alabama of 1940 relating to incorporated agricultural cooperative marketing associations so as to expressly include persons engaged in fishing activities and the harvesting of aquatic and seafood products within its provisions.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 85 of Title 2, Code of Alabama of 1940, relating to incorporated agricultural cooperative marketing associations is hereby amended to read as follows:

"Section 85. *Definition of Terms.*—The following definitions of words and phrases shall be applied to the construction of this article: The term "agricultural products" shall include horticultural, viticultural, forestry, dairy, live stock, poultry, bee, fish, aquatic and seafood products, and any farm products; the term "member" shall include actual members of associations without capital stock and holders of common stock in organizations organized with capital stock; the term "association" means any corporation organized under this subdivision and the term "person" shall include individuals, firms, partnerships and associations. The term "production of agricultural products" shall include fishing activities and the harvesting of aquatic and sea food products as well as the production of other agricultural or farm products hereinabove defined."

**Section 2.** Section 130 of Title 2, Code of Alabama of 1940, relating to incorporated agricultural cooperative marketing associations is hereby amended to read as follows:

"Section 130. *Definitions.*—"Producers of agricultural products" herein mentioned shall include individual persons, partnerships, associations and corporations who produce such products either directly or as landlords, tenant or share-cropper. "Agricultural products" as herein defined shall include the products of field, pasture, meadow and garden, and fruits, melons, berries, nuts and vegetables, live stock, poultry and poultry products, dairy products, fish, aquatic and seafood products and all other things commonly known as agricultural products."

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 4:30 P.M.

## AN ACT

To amend Section 32 of Act 100, H. 94, Acts of Alabama 1959, Volume 1, page 298, so as to change the phrase "old age assistance exclusively" to "general welfare purposes," and to distribute from the sales tax a sufficient sum for the counties to pay the cost of administering the Food Stamp Act of 1964, Public Law 88-525, 88th Congress, and amendments enacted thereto.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 32 of Act 100, H. 94, Acts of Alabama 1959, Volume 1, page 298, effective October 1, 1959, is hereby amended to read as follows:

"Section 32. Such amount of money as shall be appropriated for each fiscal year by the legislature to the department of revenue with which to pay the salaries, the cost of operation and management of said department shall be deducted, as a first charge thereon, from the taxes collected under the provisions of this Act; provided, however, that the expenditure of said sum so appropriated shall be budgeted and allotted pursuant to Title 55, Article 3, Chapter 4, of the Code of Alabama 1940, and limited to the amount appropriated to defray the expenses of operating said department for each fiscal year. After the payment of the expenses, so much of the amount remaining as may be necessary, after first applying all sums of money received by reason of the application of the surplus in the income tax as provided by Section 424, Title 51, Code of Alabama 1940, for the replacement in the public school fund of the three-mill constitutional levy for schools and in the general fund of the one-mill levy for soldiers' relief and the two and one-half mills for general purposes lost by exemption of homestead provided for in this Act shall be first charges against the proceeds of said licenses, taxes, or receipts levied or collected under this Act. The comptroller, with the approval of the governor, is hereby directed to draw his warrants payable out of the total proceeds of said licenses, taxes or receipts levied or collected under this Act as herein provided in such sum as shall be found necessary to take care of and replace the three-mill constitutional school levy, the one-mill soldiers' relief levy and the two and one-half mill levy for general purposes of the state ad valorem taxes lost as above set forth. If the amounts of such collections in any fiscal year, remaining after the payment of the expenses of administration and replacement of the amounts in the several funds as herein provided, is equal to four million two hundred dollars, then the sum of three hundred seventy-eight thousand dollars shall be paid into the treasury to the credit of the sixty-seven counties of the state to be divided and distributed as herein-

after provided. If the amount of such collections in any fiscal year, remaining after the payment of expenses of administration, and the replacement of the amounts in the several funds derived from the state six and one-half mill tax, as herein provided, is less than four million two hundred thousand dollars, then an amount equal to nine percent thereof shall be paid into the treasury to the credit of the sixty-seven counties of the state to be divided and distributed as hereinafter provided. The amount deposited to the credit of the sixty-seven counties as above provided (which in no one fiscal year shall exceed nine percent of the amount of collections remaining after the payment of the expenses and charges herein first required to be paid, nor shall it in any event exceed the sum of three hundred seventy-eight thousand dollars for any one fiscal year) shall be divided and distributed proportionately among the sixty-seven counties of the state according to the population of the said counties as shown by the last federal census as proclaimed, published, or certified by the director of the bureau of the census; and one-half of said proceeds shall be divided or distributed equally among sixty-seven counties; provided that the funds divided and distributed to the several counties of the state as hereinabove provided for shall be used exclusively for full-time health service in co-operation with the State Board of Health or the federal government; and for extension services in co-operation with the Alabama agricultural extension service or the federal government, at the discretion of the commissioners court, boards of revenue, or other governing bodies of the several counties of the State. If the amounts of such collections in any fiscal year, after the payment of the expenses of administration and replacement of the amounts in the several funds as herein provided, is equal to four million two hundred thousand dollars, then the sum of six hundred seventy-two thousand dollars shall be paid into the treasury to the credit of the state department of public welfare to be used for general welfare purposes. If the amount of such collections in any fiscal year, remaining after the expenses of administration and the replacement of the amounts in the several funds derived from the state's six and one-half mills tax, as herein provided, is less than four million two hundred thousand dollars, then an amount equal to sixteen percent thereof shall be paid into the treasury to the credit of the state department of public welfare to be used for general welfare purposes. If the amount of such collections in any fiscal year, remaining after the payment of the expenses of administration and replacement of the amounts in the several funds as hereinabove provided and distributed, is greater than four million two hundred thousand dollars, then an amount equal to one-fourth of such excess shall be paid into the treasury to the



credit of the state department of public welfare to be used for *general welfare purposes*; provided, however, that this one-fourth of such excess shall not exceed the sum of six hundred fifty thousand dollars per annum; and in addition, there shall be paid October 1, 1973, and on the first day of each fiscal quarter thereafter, to each county governing body electing to come under the food stamp program as may be authorized by the Food Stamp Act of 1964, Public Law 88-525, 88th Congress, and amendments thereto, an amount equal to four percent (4%) of the value of coupons issued in such county in excess of the amount paid by recipients (bonus or free stamps) during the immediate prior fiscal quarter, which sum so appropriated shall be a reimbursement to the general fund of such county and shall in no event exceed the cost expended by such county for administration of such program during such prior fiscal quarter. The amount of the proceeds of all taxes levied by this Act remaining after the payment of the expenses of administration and enforcement and the replacement in the several funds of the amount lost by any homestead exemptions and the distribution to the counties as herein provided shall be paid into the Alabama special educational trust fund."

**Section 2.** This Act shall take effect October 1, 1973.

Approved September 18, 1973.

Time: 3:45 P.M.

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Act No. 1136

H. 1560—Turnham, Drake, Fite, Mims,  
McCorquodale, Crawford,  
Bank, Grainger, Williams

### AN ACT

To further amend Section 2 of Act No. 100, H. 94, Second Special Session 1959, relating to revenue, to exclude the sales tax exemption on certain products sold in vending machines and substitute therefor a tax on all purchases for resale, of food and food products, not including beverages other than coffee, milk, milk products and substitutes therefor, through coin operated dispensing machines.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 2 of Act No. 100, H. 94, Second Special Session 1959, (Acts 1959, page 298) is hereby further amended to read as follows:

"Section 2. There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person

or account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

(a) Upon every person, firm, or corporation, (including the State of Alabama and its Alcoholic Beverage Control Board in the sale of alcoholic beverages of all kinds, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, any association or other agency or instrumentality of such institutions) engaged, or continuing within this state, in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks, nor sales of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships and other watercraft of over fifty tons burden), an amount equal to four percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business.

(b) Upon every person, firm or corporation engaged, or continuing within this state, in the business of conducting, or operating, places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games; (including athletic contests, conducted by or under the auspices of any educational institution within this state, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, or county, or a municipal institution or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the State of Alabama, an amount equal to four percent of the gross receipts of any such business.

(c) Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount equal to one and one-half percent of the gross proceeds of the sale of such machines; provided, that the term "machines," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(d) Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail any automotive vehicle or truck trailer, semi-trailer or house trailer, an amount equal to one and one-half per cent of the gross proceeds of sale of said automotive vehicle or truck trailer, semi-trailer or house trailer, provided, however, where a person subject to the tax provided for in this subsection withdraws from his stock intrade any automotive vehicle or truck trailer, semi-trailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of five dollars per year or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day or anniversary date, as the case may be of such withdrawal and shall run for the twelve succeeding months or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person.

Where any used automobile vehicle or truck trailer, semi-trailer or house trailer is taken in trade or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade."

(e) Upon every person, firm or corporation engaged or continuing within this state in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefor, there is hereby levied a tax equal to three percent (3%) of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subsection shall be the gross proceeds of sales of such business.

**Section 2.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** All laws or parts of laws which conflict with this act are repealed.

**Section 4.** This act shall take effect on the first day of the first month following the date of its enactment.

Approved September 18, 1973.

Time: 3:45 P.M.

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Act No. 1137

H. 1757—Owens

### AN ACT

To authorize the State Safety Coordinating Committee to allocate any of its funds to the Department of Education to establish a special fund to be designated as the "Driver Education and Training Fund" for the express purpose of instituting and conducting a program of pre-licensing driver education and training.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The State Safety Coordinating Committee is hereby authorized to allocate any funds appropriated to it to the Department of Education for the sole purpose of instituting and conducting a program of prelicensing driver education and training. All funds so allocated shall be set up in a special fund in the state treasury known as the "Driver Education and Training Fund" which shall be used solely for the purpose of carrying out the provisions of this Act.

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 18, 1973.

Time: 3:45 P.M.

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Act No. 1138

S. 826—Register

### AN ACT

Relating to Dale County, providing for the establishment of a consolidated and unified system of assessment and collection of taxes and for the collection of delinquent privilege license fees under the supervision of an elective county official designated as county revenue com-

missioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor, tax collector and license inspector in Dale County, providing for the duties of the office of license inspector of Dale County temporarily to be performed by the tax collector of Dale County and thereafter to be performed by the county revenue commissioner created by this Act; repealing conflicting laws; and prescribing the effective date of this Act.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** On and after October 1, 1979, or if a vacancy occurs in either the office of tax assessor or the office of tax collector of Dale County before such date, then immediately upon the occurrence of such vacancy there shall be the office of county revenue commissioner in Dale County. If such office is established upon the occurrence of a vacancy in either the office of tax assessor or tax collector, then the tax assessor or tax collector, as the case may be, remaining in office shall be the county revenue commissioner for the remainder of the term for which he was elected tax assessor or tax collector, as the case may be. A revenue commissioner shall be elected in the general election in November 1978 and in the general election every four years thereafter. He shall serve for a term of office of four years from the first day of October next succeeding his election and until his successor is similarly elected, qualified and takes office.

**Section 2.** The county revenue commissioner shall do and perform all acts, duties, and functions required by law to be performed either by the tax assessor or by the tax collector of the county relative to the assessment of property for ad valorem taxation, the collection of such taxes, the keeping of records and the making of reports concerning assessments for and the collection of taxes. He shall also do and perform all acts, duties, and functions required by law of the license inspector of Dale County relative to the collection of delinquent privilege license taxes. The office of license inspector is hereby abolished as of the date on which this Act is approved at the referendum election held pursuant to Section 11 hereof. From such date until the office of the county revenue commissioner is established the duties of the license inspector shall be performed by the tax collector; and such tax collector shall be entitled to collect the same fees for the performance of such duties as are prescribed by law for the same duties when performed by the license inspector.

**Section 3.** Subject to the approval of the county commission or other like governing body of the county, the county revenue commissioner shall appoint and fix the duties and compensation of a sufficient number of deputies, clerks and assistants to perform properly the duties of his office. The acts of

deputies shall have the same force and legal effect as if performed by the county revenue commissioner himself.

**Section 4.** Before entering upon the duties of his office the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama, and execute a bond in such sum as may be fixed by the county commission or like governing body of the county, giving as security thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned as other official bonds are conditioned and shall be approved by and filed with the judge of probate. The cost of the bond required herein shall be paid out of the general funds of the county on warrant of the county commission or other like governing body of the county, and shall be a preferred claim against the county.

**Section 5.** The county commission or other like governing body of the county shall provide the necessary offices for the county revenue commissioner in the courthouse, and shall provide all stationery, equipment, and office supplies, not otherwise furnished by law, needed for the efficient performance of the duties of the office.

**Section 6.** The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions and other allowances which the tax assessor, the tax collector, or the license inspector of the county are now or hereafter by law authorized or directed to charge or collect for the performance of any duty imposed by law on any such officers and hereby transferred to and imposed on the county revenue commissioner. As compensation for the performance of the duties of his office the county revenue commissioner shall receive an annual salary of \$15,000.00, payable in equal monthly installments out of the general fund of the county.

**Section 7.** The offices of tax assessor and tax collector of Dale County are hereby abolished effective on October 1, 1979, or on such earlier date as is prescribed in Section 1 hereof if a vacancy occurs in either the office of tax assessor or tax collector; and the office of license inspector is abolished as of the date of the referendum election held pursuant to Section 11 hereof, if the operation of this Act is approved at such referendum.

**Section 8.** It is the purpose of this Act to conserve revenue and promote the public convenience in Dale County by consolidating the offices of tax assessor, tax collector and license inspector of such county into one county office.

**Section 9.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 10.** All laws or parts of laws which conflict with this Act are repealed.

**Section 11.** The provisions of this act shall become operative in Dale County, only if they are first approved by a majority of the qualified electors of said county who vote thereon in a referendum election. Said referendum shall be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature at which time the question submitted shall be:

Shall Act No. \_\_\_\_\_ of the \_\_\_\_\_ Session of the Legislature (here insert the number of this Act) which provides for the abolition of the offices of tax assessor, tax collector and license inspector of Dale County and the consolidation of the duties of these three officers into the one office to be known as the county commissioner of revenue, be approved?  
 \_\_\_\_\_ Yes. \_\_\_\_\_ No.

If a majority of the votes cast at such election are "Yes" votes, then this Act shall become effective as provided above. If a majority of the votes cast are "No" votes, this Act shall have no further force or effect. The referendum election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution. Notice of the election to be given by the county commissioners of Dale County. Such notice shall be published once a week for three successive weeks before the day of the election. The judge of probate shall also certify the result of the election of the Secretary of State immediately after the returns have been certified.

**Section 12.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved September 17, 1973.

Time: 4:35 P.M.

Act No. 1139

S. 831—Malone

## AN ACT

Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; providing for the creation, establishment, operation, management and

purchase of equipment of and for an animal shelter in such counties and for the appointment of a humane officer and necessary assistants.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** This act shall apply only in counties having a population of not less than 90,000 nor more than 100,000 according to the most recent federal decennial census.

**Section 2.** In such counties, the Society for the Prevention of Cruelty to Animals or other like society, group or association shall appoint a humane officer and such necessary assistants as shall be required to accomplish the provisions of this act. It shall be the responsibility of said humane officer to devote his full time and best efforts to perform such duties as may from time to time be set by state law for humane officers; and it shall be his specific duty to bring to the attention of proper legal authorities all violations of animal cruelty laws known to him; and it shall be the further duty of said humane officer to file each month in the office of the society a report setting forth the number of cases investigated by him with a full description of each case and the disposition of same.

**Section 3.** It shall be the duty of the humane officer and his assistants to pick up and collect all unowned and neglected animals within such counties, except within cities that operate a dog pound, animal shelter or like facility, and it is specifically provided that the humane officer and his assistants shall have no authority to pick up or collect animals within such cities. The humane officer shall have authority to direct that unclaimed animals picked up or collected pursuant to this act be humanely disposed of pursuant to regulations of County Humane Society for the Prevention of Cruelty to Animals or other like society, group or association; provided, further, that it shall be the duty of the humane officer and his assistants to take great caution in determining ownership of animals so that no animal that has a rightful owner will be disposed of, unless said owner refuses to claim said animal.

**Section 4.** The county Society for the Prevention of Cruelty to Animals or other like society, group or association shall have full authority with regard to the establishment, management, operation, purchase of equipment and employment of personnel of and for an animal shelter in such counties. Said animal shelter shall be authorized to charge reasonable fees for the care of animals that are claimed by owners.

**Section 5.** All cities having a population of more than 5,000 which do not operate a dog pound, animal shelter, or like facility, shall pay a pro-rata share of the cost of the establishment, purchase of equipment, operation and maintenance of



the animal shelter in such counties. Cities with a population of less than 5,000 are encouraged to pay the appropriate pro-rata share. The county commission for each of the fiscal years 1974 and 1975 shall determine the amounts to be paid by cities within the county and shall appropriate such additional funds as are necessary for the establishment, purchase of equipment, operation and maintenance of the said animal shelter; provided, however, that the expenditure of funds by the county commission shall not exceed \$25,000 during any fiscal year. In all subsequent fiscal years, the county commission shall appropriate such funds as shall be necessary, in addition to the funds appropriated by cities within the county, for the operation, purchase of equipment, and maintenance of the aforesaid animal shelter, unless said commission shall take affirmative action to the contrary by adoption of a resolution stating that the commission shall make no appropriation for said purposes.

**Section 6.** All laws or parts of laws in conflict with this act are repealed.

**Section 7.** Should any part of this act be declared unconstitutional, the part which remains shall not be affected.

**Section 8.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 17, 1973.

Time: 4:35 P.M.

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Act No 1140

S. 881—Fine

### AN ACT

Applicable to any city having a population of not less than 7,750 nor more than 7,825 according to the most recent federal decennial census; to provide an expense allowance to the mayor and to each member of the city governing body of any such city.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The mayor of any city, having a population of not less than 7,750 nor more than 7,825 according to the most recent federal decennial census, shall receive an expense allowance of \$400 per month, and each member of the governing body of such cities shall receive an expense allowance of \$100 per month; such expense allowances shall be paid from the city general fund in the same manner as the salary of such mayor and members of the city governing body are paid, and shall be

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in addition to any other salary, expense, or allowance provided such mayor and city governing body members.

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 17, 1973.

Time: 4:35 P.M.

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Act No. 1141

S. 890—Cook

### AN ACT

Relating to counties having a population of 600,000 or more inhabitants according to the most recent Federal decennial census; providing for the establishment of a county compensation commission and to provide for the make up of the commission and to subscribe the duties of the commission.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** There is hereby created a compensation commission for counties having 600,000 or more according to the most recent Federal decennial census. The commission shall consist of seven (7) members, each to serve terms of four (4) years as herein provided.

**Section 2.** The commission shall recommend, by a majority vote of its membership the amount of compensation, salaries, and expenses for all county officers, elected or appointed, for a specified term of office, heretofore established by the Legislature. The commission shall submit a report to the legislative delegation within the first five (5) legislative days of each regular session of the Alabama Legislature, setting out the commission's recommendation of salaries and expenses payable to officers covered under this Act.

**Section 3.** The membership of the commission shall be chosen in the following manner; one (1) member shall be selected by a majority of the State Senators serving any such county; one (1) member shall be selected by a majority of the members of the State House of Representatives serving the County; two (2) members shall be selected by a majority of the county governing body but cannot be members of the county governing body; one (1) member shall be selected by a majority of the members of any county civil service board if any such civil service board exists in any such county; and one (1) member shall be selected by the majority of the members of the commission said member to be a member of a labor

union and actively engaged in labor union functions; and one (1) member shall be selected by a majority of the board of directors of a Chamber of Commerce with the largest membership in such County, if there be one; and provided further, that no member shall be an elected official or a person whose compensation could be affected by any recommendation of such commission.

**Section 4.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 4:35 P.M.

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Act No. 1142      H. 1189—Gafford, Doss, Falkenburg, Bowers,  
McMillan, Timmons, Dill, Wallace,  
Boles, Hughes, Meeks, Waggoner,  
McNair, Boutwell, Weeks

### AN ACT

To amend Section 4, Act No. 571, Acts of Alabama 1967, page 1324, approved September 8, 1967, to further provide for the compensation of the Assistant or Associate Judge of Probate in counties having 600,000 or more population.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** That Section 4, Act No. 571, Acts of Alabama 1967, page 1324, approved September 8, 1967, be and is hereby amended so as to read as follows:

“Section 4. The Assistant or Associate Judge of Probate shall be a county officer, and shall serve under the provisions of law applicable to such office, and he shall be entitled to the same benefits as other county officers are entitled; and shall serve under the provisions of any merit or civil service system applicable to said county employees and officials who are not elected. He shall be subject to the same liabilities, penalties and responsibilities for his acts as are provided by law for or on the Judge of Probate, and shall be subject to removal for cause by the Judge, provided that any removal shall be subject to review by the Personnel Board, if there be such in said county. The salary of the Assistant (or Associate) Judge of Probate, on the effective date of this act, shall be Twenty-two thousand two hundred (\$22,200) Dollars, which shall be paid and increased or lowered as other county officers and employees salaries are paid, increased or lowered.”

**Section 2.** The provisions of this act are severable. If any part of the Act is declared invalid, such declaration shall not affect the part which remains. This Act is cumulative. All acts or parts of acts in conflict herewith are repealed insofar as the same are in conflict with this act.

**Section 3.** This Act shall become effective on January 1, 1974, after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 17, 1973.

Time: 4:30 P.M.

Act No. 1143

H. 2029—Boutwell, McCorquodale

### AN ACT

To further identify creditable years of service under the State Employees' Retirement System.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Any person who is presently a regular employee of the State of Alabama and is covered or eligible to be covered under the State Employees' Retirement System, and who is also an officer or subordinate officer of the Legislature of Alabama, shall have credited to him or her one-half year of creditable service for each legislative session in which such person was employed prior to becoming a regular employee of the State of Alabama not to exceed eight years in the aggregate; provided such person shall pay into the Retirement System the employee's part of the cost or contribution based on the salary such person received as a legislative employee; such cost or contribution to be calculated at the percentage or rate in effect at the time of the passage of this Act.

**Section 2.** This Act shall apply only to those persons at the time of their retirement who have twenty or more creditable years of service under the State Retirement System.

**Section 3.** The employee's contribution for prior years service shall be paid by such employee within ninety days after the effective date of this Act.

**Section 4.** All laws or parts of laws in conflict with the provisions hereof be, and the same hereby are, expressly repealed.

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**Section 5.** This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved September 18, 1973.

Time: 3:45 P.M.

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Act No. 1144

H.J.R. 277—Hill, King, Stewart, Lutz,  
McDonald, Smith (P),  
Timmons, Falkenburg,  
Goodwin, Doss, Lyon,  
Reynolds

#### HOUSE JOINT RESOLUTION

##### NAMING HOUSE BILL 400

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That the bill, H.B. 400, which has passed both houses be designated and known as "Ronnie Flippo Bill."

Approved September 18, 1973.

Time: 3:45 P.M.

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Act No. 1145

H.J.R. 276—Stubbs, McCorquodale

#### HOUSE JOINT RESOLUTION

COMMENDING THE STATE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES FOR ITS ACTION TAKEN TO RESTOCK STRIPED BASS.

WHEREAS the State Department of Conservation and Natural Resources is doing an excellent job in its program to re-stock striped bass in the waters of this state. This program is a great public service to the people and fishermen of this state; and

WHEREAS this legislature wishes to recognize the State Department of Conservation and Natural Resources for its efforts and wishes to urge the continuation of this tremendous program; now

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That we commend the State Department of Conservation and Natural Resources on its program of re-stocking striped bass in

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the waters of this state and we urge the Department to continue this fine public service to the people and fishermen of this state.

Approved September 18, 1973.

Time: 3:45 P.M.

Act No. 1146

H.J.R. 271—Ellis, Waggoner, McMillan,  
Falkenburg, Wallace,  
Jones (E), Boles, Timmons,  
Dill, Doss, Hughes,  
Boutwell, McNair, Meeks,  
Weeks, McBride

#### HOUSE JOINT RESOLUTION

#### COMMENDING THE GIRLS 78 WEST ALLSTAR FAST PITCH SOFTBALL TEAM FOR PLAYING IN THE WORLD SERIES

WHEREAS, 78 West Girls Allstar Fast Pitch Softball team were the City, Metro, State and Invitational tournament champions thereby earning the right to represent Alabama in the Softball World Series, in Kansas City, Kansas, and

WHEREAS, this was 78 West's team and coaches first trip to the Softball World Series where they represented our state well with honor and athletic ability, and

WHEREAS, Alabama beat Tennessee 10-9, New Mexico 16-3, and Missouri 9-6, before losing to Iowa 5-3 and Kansas City 3-1, and

WHEREAS, Coach Obie Evans, Assistant Ollie Jones of Minor Heights and Assistant Alvie Tate of Hillview gave freely of their time to work with these fine young people, and did an outstanding job of coaching, and

WHEREAS, the team of Debbie Tate, Pam Hill, Karen Echols, and Cindy Mann, of Hillview, Pam Cacioppo, Pam Roddy and Paula Smith, of Adamsville, Karen Carden, Donna Carden, Pam Smith, and Karen Irvin, of Graysville, Cheryl Jones, Keri Bradford, Cindy Self, and Kay Durrett, of Minor Heights, and Jeanne Oliver and Debbie Lyons, drafted from Gadsden, represented our state well.

THEREFORE, NOW BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, that these fine young people and their coaches be commended for their

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exemplary conduct and team spirit in the Fast Pitch World Series, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to the team and their coaches.

Approved September 18, 1973.

Time: 3:45 P.M.

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Act No. 1147          H.J.R. 264—Culver, Parker, Bank, Robertson

### HOUSE JOINT RESOLUTION

NAMING THE BRIDGE OVER THE BLACK WARRIOR RIVER ON INTERSTATE 59 NEAR FOSTERS THE "LURLEEN B. WALLACE BRIDGE".

WHEREAS Fosters, Alabama is the birthplace of our beloved and esteemed late Governor Lurleen B. Wallace; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That the bridge over the Black Warrior River on Interstate 59 near Fosters is hereby designated as the "Lurleen B. Wallace Bridge" and the State Highway Department shall cause appropriate signs and markers to be erected.

Approved September 18, 1973.

Time: 3:55 P.M.

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Act No. 1148

H.J.R. 221—Turnham

### HOUSE JOINT RESOLUTION

COMMENDING THE AUBURN UNIVERSITY FOOTBALL TEAM FOR THEIR WINNING RECORD DURING THE 1972 FOOTBALL SEASON AND FOR WINNING THE GATOR BOWL GAME.

WHEREAS, the gallant and surprising 1972 Auburn football team fooled even the most knowledgeable football experts by finishing the season with a tremendous ten wins as against one loss record plus a smashing Gator Bowl victory over Big Eight and national ranked power Colorado; and

WHEREAS, this outstanding team and especially Head Coach Ralph "Shug" Jordan are to be commended for their

"never say die" attitude which they displayed throughout the season. The team's tremendous and shocking upset victory over arch rival, University of Alabama, has gone in the record book as one of the greatest comeback victories in collegiate football history; and

WHEREAS, this football team displayed a tremendous defense exhibiting both outstanding strength and outstanding speed. This tremendous defensive unit destroyed numerous high powered offensive teams during the course of the season and displayed outstanding teamwork; and

WHEREAS, the offensive team, guided by two outstanding young quarterbacks who sent powerful running backs plowing through gaping holes pushed out by powerful blocking backs and offensive linemen, performed extraordinary and produced many touchdowns for this high flying "War Eagle" team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend our proud congratulations to the 1972 Auburn University football team and Head Coach Ralph "Shug" Jordan and his staff and that we wish Auburn University a most successful 1973 football season.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Coach Ralph "Shug" Jordan and Auburn University.

Approved September 18, 1973.

Time: 3:55 P.M.

Act No. 1149

H.J.R. 223—Bank, Robertson, Parker

# HOUSE JOINT RESOLUTION

DESIGNATING THE STREET WHICH COMMENCES AT THE POINT WHERE NINTH STREET AND FIFTEENTH STREET COMBINE AND RUNS TO THE TUSCALOOSA COUNTY LINE THE "CULVER ROAD".

WHEREAS John Culver has contributed immeasurably to the well-being of the people of Tuscaloosa County during his two terms in the State Legislature. Mr. Culver's efforts were most instrumental in securing important highway developments in the county; and

WHEREAS this legislature feels that it should pay tribute to the works of John Culver for he has shown himself to be



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a member of that great body of good men who dedicate their lives to public service and the betterment of mankind; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we pay tribute to the works of John Culver of Tuscaloosa County and hereby designate that the street in the City of Tuscaloosa that commences where Ninth Street and Fifteenth Street combine and runs to the county line which heretofore has been commonly known as the "Eutaw Highway" shall hereafter be known as the "Culver Road."

BE IT FURTHER RESOLVED, That the Director of the State Highway Department shall be required to erect distinctive and appropriate signs designating said street the "Culver Road."

Approved September 18, 1973.

Time: 3:55 P.M.

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Act No. 1150

H.J.R. 234—Turnham

### HOUSE JOINT RESOLUTION

URGING THE ELECTION OF MRS. ARA BELLE WALKER AS NATIONAL FIRST VICE PRESIDENT OF THE AMERICAN BUSINESS WOMEN'S ASSOCIATION

WHEREAS, Mrs. Ara Belle Walker of Smith, Alabama, has performed her duties as Southeastern District Vice President of the American Business Women's Association in an excellent manner; and

WHEREAS, this lovely and gracious lady has contributed immeasurably to the activities of the state and local branches of the American Business Women's Association. Among the many offices which she has held are Recording Secretary, Vice President, President, Boss Night Chairman, Publicity Chairman, Ways and Means Committee, Bulletin Committee, Torchbearer-Friendship-Expansion Chairman, Voting Delegate to the National Convention. In addition, she has attended all National Conventions of the Association since she became a member five years ago and has a five year perfect attendance record for all state and local association meetings; and

WHEREAS, Mrs. Walker has been honored as "Woman of the Year" and is listed in the "Personalities of the South". She takes a lively and active interest in all local civic activities and puts her deep religious faith to work by serving as

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Secretary of her Church. Associated with the Phenix City Housing Authority for the past 21 years, she is considered an excellent asset to that organization; and

WHEREAS, we feel that Mrs. Ara Belle Walker is the most logical choice for National First Vice President of the American Business Women's Association and we strongly urge her fellow association members through the nation to place their stamp of approval on her election to this esteemed national office; and

WHEREAS, she has demonstrated a deep sensitivity toward all people who have crossed her path. Her deep concern for her fellow citizens reflects much honor upon her and her native state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend a marvelous lady, Mrs. Ara Belle Walker, for the excellent manner in which she performs in all her endeavors and we urge her election as National First Vice President of the American Business Women's Association.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Mrs. Ara Belle Walker and the Phenix City Charter Chapter of the American Business Women's Association.

Approved September 18, 1973.

Time: 3:55 P.M.

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Act No. 1151

H.J.R. 245—Manley, Pruitt, Lang

### HOUSE JOINT RESOLUTION

#### MOURNING THE DEATH OF JUDGE EMMETT FRANKLIN HILDRETH.

WHEREAS, Judge Emmett Franklin Hildreth departed this life at 78 years of age on Sunday, July 29, 1973, while serving in his 31st year as Circuit Judge of the 17th Judicial Circuit; and,

WHEREAS, Judge Hildreth began his service on the Circuit Court bench on July 3, 1943, and served with distinction for the counties of Greene, Marengo, and Sumter until his death, twice serving as President of the Alabama Association of Circuit Judges during his tenure in office; and,

WHEREAS, Judge Hildreth served with distinction for

three (3) terms in the Alabama State Senate during the years 1923 through 1935; and,

WHEREAS, Judge Hildreth served as a member of the Alabama Pardon and Parole Board for an extensive period until his selection as a Circuit Judge in July, 1943; and,

WHEREAS, Judge Hildreth served two terms as Mayor of his hometown of Eutaw in Greene County, Alabama; and,

WHEREAS, the Judge served as a member of the State Democratic Executive Committee of Alabama and twice represented Alabama at Democratic National Conventions; and,

WHEREAS, Judge Hildreth has for years been an active member of the First Methodist Church of Eutaw, serving as Chairman of its Board of Stewards and has been active at all levels of Methodism in Alabama;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, that it deeply mourns the death of Judge Emmett Franklin Hildreth and his life of distinguished service to his native state and to its people and expresses its deep sorrow to the members of his family.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to his wife, Mrs. Emory Peebles Hildreth of Eutaw, to his son Allison V. Hildreth of Montgomery, and to his son Emmett Franklin Hildreth, Jr. of Atmore.

Approved September 18, 1973

Time: 3:55 P.M.

Act No. 1152

H.J.R. 246—Turnham

### HOUSE JOINT RESOLUTION

COMMENDING PROFESSOR GEORGE W. HARGREAVES

WHEREAS Professor George W. Hargreaves retired on June 30, 1973 after forty-seven years of devoted and dedicated service to the Auburn University School of Pharmacy and to the profession of pharmacy at the state, regional and national level; and

WHEREAS Professor Hargreaves, after graduating in pharmaceutical chemistry and receiving his Master of Science degree from the University of Nebraska in 1926, first came

to Auburn during that year when he was appointed Assistant Professor of Pharmacy and was subsequently advanced to Professor of Pharmaceutical Chemistry; and

WHEREAS Professor Hargreaves continued graduate studies in pharmaceutical chemistry at the University of Michigan and throughout his many fruitful years of service pursued his absorbing interest in continuing independent research and study, during which time he also served as toxicologist and consultant to the State Department of Toxicology from 1940 to 1962; and

WHEREAS Professor Hargreaves' keen interest in his chosen field, his unquestioned knowledge and ability and his strict insistence on meticulous accuracy of his students have made Auburn's School of Pharmacy one of the best in the nation, and its graduates sought from widely divergent areas; and

WHEREAS Professor Hargreaves holds membership in the honor societies of Phi Kappa Phi and Rho Chi and in numerous professional societies, is active in civic and church work and, upon his retirement, was named Professor Emeritus of the Auburn University School of Pharmacy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Professor Hargreaves for his outstanding contributions to Auburn University and to this state and nation. We assure him that we are deeply grateful for his services and wish to extend to him all best wishes for many happy years of retirement which he so richly deserves.

RESOLVED FURTHER That copies of this resolution be sent to Professor Hargreaves, to the *Auburn Plainsman* and to the *Auburn Alumni News*.

Approved September 18, 1973

Time: 3:55 P.M.

Act No. 1153

H.J.R. 248—Kinsey

# HOUSE JOINT RESOLUTION

COMMENDING JOHN B. HADLEY FOR HIS CONTRIBUTIONS AND DEDICATED SERVICE TO BALDWIN COUNTY.

WHEREAS, John B. Hadley served on the Baldwin County Commission for more than thirteen years (1959 to 1972). He

had the unique honor of serving as Chairman of the Board during his entire tenure of office and participated in many important accomplishments which brought great benefits to Baldwin County; and

WHEREAS, this brilliant statesman was responsible for the allocation of funds for the additions to Foley and Fairhope hospitals and for building Bay Minette Hospital. He was instrumental in helping to develop the resources of the county by allowing annual contributions to three Chambers of Commerce and the Gulf Shores Tourist Association; and

WHEREAS, he realized the importance of a highway system for the betterment and progress of Baldwin County. Through his many professional contacts he was able to convince the State to take over the maintenance of certain county roads. During his tenure of office approximately 450 miles of farm to market roads were built in the county and a bridge was built at Muscogee connecting Baldwin County with Escambia County, Florida; and

WHEREAS, John B. Hadley always displayed a deep sensitivity toward his fellow human beings. He helped establish the Baldwin County Satellite Mental Health Unit at Fairhope and made contributions to the County Library Board to enable them to purchase a new Bookmobile. Striving to protect the citizens of that area he was instrumental in establishing the Baldwin County Civil Defense Department and the hiring of a full time Director to handle the duties of said Department; and

WHEREAS, his many esteemed honors include election as President of the Alabama Association of County Commissioners. A far-sighted individual he was instrumental in bringing to Gulf Shores several conventions which aided in the economy of the County; and

WHEREAS, John B. Hadley is a true southern gentleman, and a genuine statesman, whose advice and counsel is sought by people in all walks of life. He has conducted his life in such a manner that has not only brought honor to himself but to his native state as well; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we pay tribute to a great Alabamian, John B. Hadley, as a member of those great men who dedicate their lives to the betterment of mankind. We commend him for the service he has given to the citizens of this State and Baldwin County and wish him much success in his future endeavors.

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BE IT FURTHER RESOLVED that a copy of this resolution be sent to John B. Hadley.

Approved September 18, 1973

Time: 3:55 P.M.

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Act No. 1154

H.J.R. 249—Bank, Parker, Robertson

HOUSE JOINT RESOLUTION

DESIGNATING THE STREET WHICH COMMENCES AT THE POINT WHERE NINTH STREET AND FIFTEENTH STREET COMBINE AND RUNS TO THE TUSCALOOSA COUNTY LINE THE "CULVER ROAD"

WHEREAS John Culver has contributed immeasurably to the well-being of the people of Tuscaloosa County during his two terms in the State Legislature. Mr. Culver's efforts were most instrumental in securing important highway developments in the county; and

WHEREAS this legislature feels that it should pay tribute to the works of John Culver for he has shown himself to be a member of that great body of good men who dedicate their lives to public service and the betterment of mankind; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we pay tribute to the works of John Culver of Tuscaloosa County and hereby designate that the street in the City of Tuscaloosa that commences where Ninth Street and Fifteenth Street combine and runs to the county line which heretofore has been commonly known as the "Eutaw Highway" shall hereafter be known as the "Culver Road."

BE IT FURTHER RESOLVED, That the Director of the State Highway Department shall be required to erect distinctive and appropriate signs designating said street the "Culver Road."

Approved September 18, 1973

Time: 3:55 P.M.

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Act No. 1155

H.J.R. 250—McCorquodale

HOUSE JOINT RESOLUTION

URGING ALABAMA EDUCATORS TO PROVIDE AN OPPORTUNITY FOR STUDENTS TO BEGIN LEARNING

**THE UNIVERSAL METRIC SYSTEM OF MEASUREMENT  
EXPECTED TO BE ADOPTED OFFICIALLY IN THE  
UNITED STATES IN THE NEAR FUTURE**

WHEREAS, Alabama is one of the nation's fastest growing industrial states, and;

WHEREAS, the United States of America is the only major industrial nation in the world that has not officially adopted the universal metric system as the principal system of measurement, and;

WHEREAS, Alabama and the United States are penalized in commercial transactions with other world powers because of restrictive industrial standards favoring the 90 per cent of the world's people living in nations using the metric system, and;

WHEREAS, the adoption of the metric system by the United States is but a matter of time and legislation is now pending in Congress to make this official, and;

WHEREAS, the metric system would aid the educational process of our state by simplifying the teaching of mathematics, thereby making it easier for students to learn math and mathematics related subjects, and;

WHEREAS, the Alabama Education Association, the National Education Association, and other influential education organizations support the proposal that all students be provided an opportunity to learn the metric system, now therefore

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That they call upon the State Board of Education in cooperation with the State Superintendent of Education and the State Department of Education, to initiate programs at the earliest practicable opportunity to prepare Alabama's public schools and post secondary institutions to incorporate the metric system into the curriculum of our schools; and be it further

**RESOLVED,** the copies of this resolution be transmitted to members of the State Board of Education, the State Superintendent of Education, superintendents of city and county boards of education, presidents of post secondary institutions, members of the Alabama Education Study Commission and its staff, members of the Alabama Commission on Higher Education and its staff, and other concerned educational agencies in our state.

Approved September 18, 1973.

Time: 3:55 P.M.

Act No. 1156

H.J.R. 255—Cottingham, Turner

## HOUSE JOINT RESOLUTION

COMMENDING GEORGE M. CALLEN OF SELMA  
UPON THE CELEBRATION OF HIS 100TH BIRTHDAY.

WHEREAS, George M. Callen was born on September 21, 1873, in Dallas County and will soon celebrate his 100th birthday; and

WHEREAS, George M. Callen had to quit school at the age of fourteen to go to work. He entered the farm seed business for himself in 1892 at the age of nineteen, a business that is still thriving today; and

WHEREAS, George M. Callen is the father of four children: the late Francis Callen, the oldest and a former teacher for whom the library at Ramsey High in Birmingham is named, Elizabeth Callen, also a teacher, George M. Callen, Jr. and Russell Callen; and

WHEREAS, although George M. Callen had so little formal schooling, he is particularly proud that all his children are college graduates; and

WHEREAS, George M. Callen has three grandchildren: Russell Callen, Jr., a professor at Georgia Tech, George M. Callen III, a student at the University of Alabama Law School and John Callen, a student at Georgia Tech; and

WHEREAS, George M. Callen continues to be progressive in his thoughts and ideas continually alert and adaptive to the world around him; and

WHEREAS, George M. Callen remains shrewd in his financial dealings and since the age of 25 has been and continues to be involved in "playing" the stock market; and

WHEREAS, George M. Callen has always taken a genuine interest in his native Dallas County and the State of Alabama; and

WHEREAS, the joy that George M. Callen continues to draw from his life and the humor that he retains serves as an example to all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does send sincere best wishes to George M. Callen on the celebration of his 100th birthday and does wish him many happy returns.



BE IT FURTHER RESOLVED that a copy of this resolution be sent to George M. Callen at 506 Union Street in Selma where he resides with his daughter Elizabeth.

Approved September 18, 1973.

Time: 3:55 P.M.

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Act No. 1157

H.J.R. 257—Turnham

HOUSE JOINT RESOLUTION

COMMENDING MAC LORENDO OF THE AUBURN UNIVERSITY FOOTBALL TEAM ON HIS OUTSTANDING COLLEGE FOOTBALL CAREER

WHEREAS, Mac Lorendo of Auburn, Alabama, who was elected co-captain of the 1972 Auburn University football team performed brilliantly throughout his college football career; and

WHEREAS, he overcame the severe pressure of performing in his hometown and had the unique experience of being coached by his father, Coach Gene Lorendo, who is Auburn's offensive co-ordinator; and

WHEREAS, Mac Lorendo was an outstanding offensive tackle and team leader who won many honors for his great play. He was selected a member of the Associated Press's all SEC sophomore team in 1970 and on both the Associated Press and the United Press International's all SEC first team for 1971. He was also recognized as a member of numerous All-American teams; and

WHEREAS, he used his keen mind to advantage in the classroom and ranked high scholastically in his major field of Engineering. Mac Lorendo is an outstanding example of how an individual can use college football to gain advantage in the field of education; and

WHEREAS, this outstanding young man has brought great honor to himself and this state by his excellent conduct and talent; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend our congratulations to Mac Lorendo co-captain of the 1972 Auburn University football team for his outstanding college career and wish him much success in his future endeavors.

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BE IT FURTHER RESOLVED that a copy of this resolution be sent to Mac Lorendo.

Approved September 18, 1973.

Time: 3:55 P.M.

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Act No. 1158

H.J.R. 259—Waldrop, Carnes

### HOUSE JOINT RESOLUTION

#### COMMENDING CERTAIN GADSDEN STATE JUNIOR COLLEGE STUDENTS ON WINNING OUTSTANDING NATIONAL HONORS

WHEREAS, Pi Omicron Chapter of the Phi Beta Lambda at Gadsden State Junior College won top honors at the National Leadership Conference held at the Sheraton-Park Hotel in Washington, D. C.; and

WHEREAS, this chapter received the Hamden L. Forkner Award, which is the highest honor that can be received by a chapter of Phi Beta Lambda and was received in competition with colleges and universities from 39 states. The award being presented as evidence of the chapter's outstanding program of achievement for the current academic year; and

WHEREAS, the chapter was also awarded the Gold Seal Chapter Award of Merit which goes to those chapters who have outstanding activity programs and projects and who conduct their business in a commendable manner; and

WHEREAS, this chapter placed eighth nationally in the Most Original Project competition; and

WHEREAS, in the previous month this chapter won at the state level 9 of the 10 awards, including best club, state president and secretary; and

WHEREAS, those attending the conference in Washington, D. C. were Steve Johnson, local and state president of Arab; Phyllis Bumpus, local and state secretary, Jacksonville; Sylvia Edgar, Guntersville; Garry Magouirk and Beth Nance, Ohatchee; Clement Osbourn, Collinsville; Mike Vinyard and Randy Walker, Gadsden; and Felicia Boomer, Attalla. The group was accompanied by J. L. Walker, Jr., faculty adviser, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do heartily congratulate Pi Omicron Chapter of Phi Beta

Lambda at Gadsden State Junior College for winning these outstanding awards and they do wish them many future successes in their endeavors.

BE IT FURTHER RESOLVED, That the Clerk of the House send copies of this resolution to each of the persons named above.

Approved September 18, 1973.

Time: 3:55 P.M.

Act No. 1159

H.J.R. 261—McCluskey, Smith (P)

### HOUSE JOINT RESOLUTION

COMMENDING MRS. ALICE WASHAM FOR A JOB "WELL DONE" AS TAX ASSESSOR OF TALLADEGA COUNTY.

WHEREAS, Alice Washam will soon be retiring from her position as Tax Assessor of Talladega County. She was appointed by Governor Jim Folsom to fill out the term of her late husband and then won re-election for two terms and faced no opposition in her last election to this esteemed office; and

WHEREAS, this lovely and gracious southern lady is a native of Sylacauga, where she attended the public schools, graduating from Sylacauga High School. She used her keen mind to attend Troy Normal College and graduated from business school in Birmingham; and

WHEREAS, she contributed greatly to the progress of Talladega County during her terms of office. She was a diligent and dedicated public servant who was ever ready to contribute to the needs of the people of her county and state; and

WHEREAS, Alice Washam contributed immeasurably to the civic life of her community. She is a very active member of the Sylacauga Business and Professional Women's Club, the Sylacauga Chamber of Commerce and the Farm Bureau; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend a lovely and charming southern lady, Mrs. Alice Washam, for her tremendous job as Tax Assessor of Talladega County and pay tribute to her as a member of that great body of Americans who dedicated their lives for the common good of all people.

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BE IT FURTHER RESOLVED that we wish her much happiness in her retirement years and that a copy of this resolution be sent to her.

Approved September 18, 1973.

Time: 3:55 P.M.

Act No. 1160

H.J.R. 262—Callahan

### HOUSE JOINT RESOLUTION

COMMENDING BETH BARRY FOR HER BRILLIANT GOLF CAREER.

WHEREAS, the lovely and gracious Beth Barry is a brilliant golfer who's had much success on golf courses across the nation and around the world; and

WHEREAS, among the many awards she has won are included the 1966 Alabama Junior State Championship; 1966-67 Tri State Junior Championship; 1966-67-68 runner up for the Alabama Women's State Championship; 1967-1970 member of the University of South Alabama Variety Golf team for whom she won 56 of 63 matches against male opponents; 1969, 1970, 71-72 Alabama Women's State Championship; 1971 Western Amateur Championship; runner up for the 1972 North-South Championship; 1973 North-South Championship; 1973 Mexican Amateur Championship; 1973 Medalist in the Western Amateur Championship; and second low amateur in the 1973 United States Women Open Championship. Finally and perhaps the most esteemed award she has won is membership on the 1972 Curtis Cup Team which represented the United States against Great Britain; and

WHEREAS, Miss Barry's tremendous play on the golf course has brought much honor and recognition not only to herself but also to her native state. She is a member of the Isle Dauphine County Club; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Miss Beth Barry for her outstanding golf career and express our deep appreciation of the vast recognition that she has brought to her native state of Alabama.

BE IT FURTHER RESOLVED that we wish Miss Barry

much success in her future endeavors and that a copy of this resolution be sent to her.

Approved September 18, 1973.

Time: 3:55 P.M.

Act No. 1161

H. 644—Perloff

# AN ACT

To amend Act No. 40, S. 4, Second Special Session of 1956 (Acts 1956, p. 328), as amended relating to courts of General Sessions of Mobile.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 8 of Act No. 40, S. 4, Second Special Session 1956 (Acts 1956, p. 328), as amended, is further amended to read as follows:

“Section 8. The court of General Sessions of Mobile County shall have and exercise civil jurisdiction in Mobile County concurrently with the Circuit Court of Mobile County in all civil matters where the amount in controversy does not exceed one thousand five hundred dollars and in addition shall have jurisdiction over all civil matters where the amount in controversy is not more than fifty dollars. The court shall also have jurisdiction in matters pertaining to forcible entry and detainer, and unlawful detainer, where the real property lies anywhere within the limits of Mobile County, Alabama. The Court shall not have jurisdiction in equity nor of actions of libel, slander, assault and battery, ejectment and actions in the nature of ejectment. Nothing in this Act shall be construed to give the judges of the Court of General Sessions of Mobile County any authority to grant writs of certiorari, supersedeas, quo warranto, prohibition mandamus, injunction or ne exeat.

“All initial pleadings shall be in as simple a form as possible and shall be liberally construed so as to do substantial justice and all responsive pleadings shall be in short by consent.”

**Section 2.** Should any word, phrase, clause, section or part of this Act be held to be unconstitutional by any court of competent jurisdiction it shall not effect the remainder of this Act.

**Section 3.** This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 18, 1973.

Time: 4:00 P.M.

Act No. 1162

H.J.R. 258—Waldrop, Carnes

## HOUSE JOINT RESOLUTION

COMMENDING SAM G. NORRIS AND EXPRESSING  
THE GOOD WISHES OF THE LEGISLATURE UPON HIS  
RETIREMENT

WHEREAS, Sam G. Norris, the District Supervisor in the Gadsden Vocational Rehabilitation Service, retired on July 31, 1973 after a 35 year career in education; 24 of the years spent in rehabilitation; and

WHEREAS, Mr. Norris a native of Fayette County, Alabama, received his B.S. degree from Auburn University in 1934. He joined VRS in April, 1949, when he came to the Gadsden office as a rehabilitation counselor. He was named district supervisor in 1967; and

WHEREAS, Mr. Norris started his career in July 1934, in Union County, N.C., as a vocational agriculture teacher. From August, 1941, to October 1945 he served in the U.S. Army and Air Force during World War II; and

WHEREAS, After military service Mr. Norris taught vocational agriculture in Slocumb, Alabama, and then supervised veterans training in vocational agriculture in Geneva, Alabama; and

WHEREAS, Mr. Norris has been a member of the board of directors of Fellowship House, Council of Community Services, the Head Start Program, and Anchor, a community service agency; and

WHEREAS, he has also been a member and served as president of the Etowah County Mental Health Association, Etowah County TB Association, and the Etowah County Society for Crippled Children and Adults; and

WHEREAS, Mr. Norris help develop Darden Rehabilitation Center, one of the first rehabilitation centers established in Alabama; and

WHEREAS, the Legislature of Alabama wishes to commend such an outstanding citizen as Sam G. Norris and express its good wishes upon his retirement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mr. Sam G. Norris be commended and congratulated for his outstanding years of service to the field of education and rehabilitation, to this state, and its citizens; and further that

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the good wishes of this body be extended to him upon his retirement from that outstanding career.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Mr. Norris.

Approved September 18, 1973.

Time: 3:55 P.M.

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Act No. 1163

H. 1829—Slate, Perloff, Doss, Robertson,  
St. John

### AN ACT

Pursuant to constitutional amendment CCCXVII ratified on January 27, 1972, this bill creates the Judicial Retirement Fund, and provides for the administration and supervision thereof; provides for the qualifications for retirement benefits for certain judicial officers; provides for the payment of retirement and disability benefits from the fund to qualified individuals; and provides for appropriations to carry out the provisions of the Act.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** There is hereby created and established a continuing fund to be known as the Judicial Retirement Fund. The fund shall be made up from contributions from justices of the supreme court, judges of the court of civil appeals, judges of the court of criminal appeals, and the judges of the several circuit courts of the state, and from a yearly sum to be paid into such fund from the general fund in the state treasury in such amount as shall be sufficient to carry out the provisions of this Act.

**Section 2.** The judicial retirement fund shall be administered by the secretary-treasurer of the state employees' retirement system under the supervision of the board of control of the said state employees' retirement system; and said board of control shall be the trustee of such fund and shall handle such fund in the same manner and pursuant to the same rules and regulations that it handles funds in the state employees' retirement system. The state comptroller shall issue warrants for the disbursement of such fund in the same manner that he issues warrants for the disbursement of funds of the state employees' retirement system. Any justice or judge or spouse and/or child of a justice or a judge who is aggrieved by any decision of the board of control shall have the right to appeal to the Supreme Court of Alabama where the Supreme Court shall hear said appeal de novo.

**Section 3.** (a) Every justice of the supreme court, judge of the court of civil appeals, judge of the court of criminal appeals, and judge of the circuit court of the state now holding office shall have the right of election to come under the provisions of this Act. Each such justice or judge holding office at the time of the adoption of this Act shall have the right within three years from the adoption of this Act to file with the Clerk of the Supreme Court of Alabama, an instrument in writing electing to come under the provisions of this Act. Each justice or judge of such courts hereafter elected or appointed to office shall come under the provisions of this Act as a matter of law. After the taking effect of this Act, each such justice and each such judge who has elected to come under the provisions of this Act as herein provided or who comes under the provisions of this Act by operation of law, shall contribute to the judicial retirement fund four and one-half percent of his or her earnable compensation. Such percentages shall be deducted by the State Comptroller from each such justice's or judge's salary and paid into the judicial retirement fund in the state treasury, and credited to the individual account of the justice or judge from whose salary it was deducted.

(b) Members of the retirement fund who heretofore, during a term for which they had been appointed or elected to a judicial office covered by this Act, for which prior service credit toward retirement under this Act is given, entered the military services of the United States, and judicial officers covered by this Act hereafter entering the armed forces of the United States who return to service as a justice or judge shall be given full credit for the time of such military service; provided that a contribution be made into the judicial retirement fund in an amount equal to that which would have been contributed had such member remained and served in the judicial office to which he had been duly elected or appointed. Request for such service credit must be made within ninety days after returning to service as such justice or judge, or such service credit shall be forfeited forever. When requests for such service credit has been approved by the board of control of the judicial retirement fund and the chief justice of the supreme court, contributions as required shall commence within sixty days and be made in equal payments within the following twelve months. Military service credit granted to a justice or a judge shall include credit for service during World War II, but in computing any service with the armed forces for credit after World War II, service credit granted shall be limited to service for a period not to exceed five years, provided that the judge was on official leave of absence from his judicial position and further provided that the length of serv-



ice so granted shall not exceed the term of office for which such justice or judge had been appointed or elected prior to his entering military service.

**Section 4.** Every member of the judicial retirement fund who meets the requirements for retirement prescribed in this Act shall be entitled to be retired and to receive a pension as hereinafter provided. Such retirement shall be on order of the board of control of the judicial retirement fund and upon the request of the member to be retired, or on an order signed by a majority of the members of the supreme court.

**Section 5.** (a) The chief justice or any associate justice of the supreme court, any judge of the court of civil appeals or any judge of the court of criminal appeals, serving when this Act becomes law who elects to become a member of the retirement system hereby established and any such justice or judge hereafter assuming such office may elect to be retired pursuant to this Act if he or she:

(1) has served as much as five years as a justice of the supreme court or as a judge of one of the courts of appeals or as a judge of the circuit court or any two or more of them consecutively and who has become permanently, physically or mentally, unable to carry out his duties on a full time basis, proof of such disability being made by certificate of three reputable physicians; or

(2) has served for twelve years as a justice of the supreme court or as a judge of one of the courts of appeals or one of the circuit courts or any two or more of them and has reached or passed the age of sixty-five years; or

(3) has served for fifteen years as a justice of the supreme court or as a judge of one of the courts of appeals or one of the circuit courts, or any two or more of them and has attained age sixty-two less one year for each year of service in excess of fifteen; or

(4) has served for ten years as a justice of the supreme court or as a judge of one of the courts of appeals or one of the circuit courts, or any two or more of them, and who is not less than seventy years of age; or

(5) has served for not less than eighteen years or three full terms or a time equal to three full terms, as a justice of the supreme court or as a judge of one of the courts of appeals or one of the circuit courts.

(b) Any judge of a circuit court, serving when this Act becomes law, who elects to become a member of the retirement fund hereby established and any circuit judge hereafter as-

suming such office may elect to be retired pursuant to this Act, if he or she:

(1) has served as much as five years as a circuit judge and who has become permanently, physically or mentally, unable to carry out his duties on a full time basis, proof of such disability being made by certificate of three reputable physicians; or

(2) has served for twelve years as a circuit judge and has reached or passed the age of sixty-five years; or

(3) has served for fifteen years as circuit judge, and who is not less than sixty-two years of age; or who has served as such for more than fifteen years and has attained age sixty-two less one year for each year of service in excess of fifteen; or

(4) has served continuously for ten years as circuit judge and who is not less than seventy years of age; or

(5) has served for not less than eighteen years or three full terms, or a time equal to three full terms, as a circuit judge.

**Section 6.** (a) Any justice of the supreme court or any judge of one of the courts of appeals or of one of the circuit courts of the state who desires to be retired pursuant to this Act shall file a written declaration relative to his intention to elect such retirement with the chief justice of the supreme court. who, upon finding the existence of the conditions prerequisite to such retirement, shall endorse his findings thereon and forward said declaration to the secretary-treasurer of the judicial retirement fund. The retiring justice or judge, upon being retired, shall take the oath of office as a retired justice or judge and thereupon become an extra or additional judge of the state. Thereafter, on the request of the chief justice, the presiding judge of one of the courts of appeals, or the Governor, any such retired justice or judge may serve on the supreme court, either of the courts of appeals or any circuit court in the state. Such retired justice or judge, when serving on a court in the absence or disqualification of the regular justice or judge, as the case may be, shall have and exercise all the duties and functions of the regular justice or judge for whom he is substituting. When serving on a court for reasons other than the absence or disqualification of the regular justice or judge, the duties of a retired justice or judge shall be as prescribed by the chief justice when serving on the supreme court, or by the presiding judge when serving on a court of appeals, or by the regular circuit judge, or the presiding judge, if there is a presiding judge in the circuit, when

serving in a circuit court. However, nothing contained herein shall prevent the chief justice from assigning a justice or a judge to special temporary duty in other courts. A recital in the minutes of the court that a regular justice or judge is absent or disqualified, and that a retired justice or judge is sitting in his place at the request of the chief justice, the presiding judge of one of the courts of appeals or the Governor shall be conclusive evidence of his authority to act.

(b) The chief justice or any associate justice of the supreme court or any judge of a court of appeals or a circuit court who becomes seventy years of age during the term for which he has been elected and is serving, who is qualified to be retired pursuant to this Act, who does not at or before the expiration of his term file his written declaration stating that he intends to retire at the end of the term he is then serving shall be deemed to have waived and forfeited his right to receive any retirement benefits hereunder. He shall, however, be entitled to a refund of his contributions to the retirement fund.

**Section 7.** (a) The retirement benefit payable to a justice of the supreme court or judge of one of the courts of appeals, retiring pursuant to Section 5, subsection (a), item (2), (3), (4) or (5) of this Act shall be seventy-five percent of the salary prescribed by law for the position from which he retires, payable monthly for the rest of his life. Such benefit shall continue to be seventy-five percent of his salary prescribed by law for such position and shall change in amount as such salary is hereafter increased or decreased by law, and shall not be subject to writs of attachment or garnishment.

(b) The retirement benefit payable to a judge of a circuit court retiring pursuant to Section 5, subsection (b), items (2), (3), (4) or (5) of this Act shall be seventy-five percent of the salary prescribed by law of the salary payable from the state treasury to circuit judges. Such retirement benefits shall be payable monthly for the life of the beneficiary, and shall continue to be seventy-five percent of the salary then prescribed by law for the respective position and shall change in amount as such salaries are hereafter increased or decreased by law, and shall not be subject to writs of attachments or garnishment.

(c) After the death of any justice or judge who has held office for a minimum of five years, his spouse shall receive a yearly benefit equivalent to three percent of the salary payable from the state treasury prescribed by law for his former position as either a justice or judge, as the case may be, for each year of service, not to exceed thirty percent of such sal-

ary, payable monthly for the remainder of such spouse's life or until his or her remarriage and shall change in amount as such salary is hereafter increased or decreased by law.

(d) Any justice or judge retiring pursuant to Section 5, subsection (a), items (1), or Section 5, subsection (b), item (1), who has served for ten years, shall be entitled to a disability benefit allowance payable monthly from the judicial retirement fund equal to seventy-five percent of the salary payable from the state treasury for the position he held at the time he retires. If such disabled justice or judge has served less than ten years he shall be entitled to receive a monthly disability benefit that is equal to twenty-five percent of the salary payable from the state treasury for the position he held at the time he retires plus ten percent of such salary for each year of service in excess of five years; provided, however, that in no event shall such justice or judge receive less than thirty percent of the annual salary being paid to a full time justice or judge, as the case may be, from the state treasury.

(e) Every justice or judge who has retired pursuant to this Act may, on the request of the chief justice, the presiding judge of a court of appeals, or the Governor, be called to active duty status, and when serving with the supreme court or courts of appeals, perform such duties as may be prescribed by the chief justice, or the presiding judge of the court of appeals with which he is serving. Such retired justice or judge of a court of appeals in such active service status shall receive an additional sum during the term of such service which, when added to his retirement benefits, would amount to two hundred and fifty (\$250.00) dollars per month less than the monthly salary paid a justice or judge of the appellate court from which he has retired. The salary paid a retired circuit judge called to active service with the supreme court or a court of appeals shall be the salary paid a circuit judge, in the circuit from which said judge retired. The salary paid a retired circuit judge called to active service as a circuit judge shall be the salary paid a regular judge in the circuit to which he is assigned or in the circuit from which he retired, whichever is greater. In no event, however, shall the total compensation paid to a retired circuit judge on active status during any calendar year exceed a sum which is \$1,000.00 less than the compensation received by a regular judge in the circuit from which such judge retired. The chief justice, with the advice of the supreme court or the presiding judge of a court of appeals, with the advice of the court over which he presides, shall determine whether such retired justice or judge is satisfactorily performing his assigned duties. Upon determination that such retired justice or judge is not satisfactorily

performing such duties, such retired justice or judge shall immediately be removed from active status and his additional active duty compensation shall be stopped.

Except as above provided a retired justice or judge shall hold office as such additional or extra judge during good behavior and may be removed only for causes specified in the Constitution. Such retired justices or judges may, however, but subject to the approval of the chief justice, be transferred to inactive status, upon request for such transfer. Justices or judges who revert to inactive status shall be entitled to the same retirement benefits prescribed in subsections (a) and (b), of this section for justices and judges who have retired. Whenever a retired justice or judge of a court of appeals is serving in a circuit court, he shall receive compensation equal to that due the regular judge of that circuit for the performance of such duties, such compensation to be paid in the same manner as the compensation of the regular circuit judge is paid, and whenever a retired justice or a judge of a court of appeals is serving as an active member on the supreme court or on one of the courts of appeals, then he shall be entitled to receive during the time of such service, compensation equal to that due a regular justice or judge for the performance of such duties, such compensation to be paid in the same manner as the compensation of a regular justice or judge is paid. A retired justice, or judge of one of the courts of appeals, or circuit judge, while serving with the supreme court or one of the courts of appeals for reasons other than the absence or disqualification of a justice or judge shall perform such duties as may be prescribed by the chief justice when serving with the supreme court, or as prescribed by the presiding judge of the court of appeals with which he may be serving. Nothing contained herein or hereafter shall limit the power and authority of the chief justice to transfer a retired justice or judge from inactive status to active status, or from active status to inactive status as the public interest in his judgment requires.

**Section 8.** Whenever a justice or judge retires pursuant to this Act the office then held by him shall become vacant; and the vacancy shall be filled as provided by Article VI, Section 158 of the Constitution or such other applicable Section or Sections of the Constitution.

**Section 9.** This Act shall not apply to nor in any wise affect benefits paid to justices of the supreme court nor to judges of either of the courts of appeals or of the circuit court who have become supernumerary justices or judges pursuant to the provisions of Code of Alabama 1940, Title 13, Sections 31-33, or Act No. 288 (General Acts of Alabama 1945, p. 478)

or any other applicable Act as such Acts have been amended, supplemented or superseded. Provided further that any judge of a circuit court holding office at the time this Act becomes law who is entitled to credit for prior service toward earning supernumerary status in a position other than as a circuit judge, shall be entitled to have all such service credited toward retirement status under this bill provided he does so within three years from the date this Act becomes law by notifying the supreme court in writing of the service for which he is at that time entitled to credit toward obtaining supernumerary status and for which he desires credit toward retirement under the judicial retirement fund provided by this Act. Upon receipt of such notice the supreme court shall make a judicial determination of the amount of such credit to which such judge is entitled and shall notify the board of control of the state employees' retirement system of this determination and such service shall be credited to such judge's retirement benefits and shall be counted as time of service as a circuit judge under this Act.

**Section 10.** Any justice or judge holding office as a member of the supreme court, a court of appeals, or of a circuit court at the time this Act becomes law, who has paid contributions into the Employees' Retirement System of Alabama, shall be entitled to have such contributions transferred from the Employees' Retirement System of Alabama into the Judicial Retirement Fund and to receive credit for the time of service he had acquired under the Employees' Retirement System of Alabama as time of service in the judicial position which he holds at the time of the adoption of this Act, regardless of whether or not such time of service was continuous, provided such time of service acquired under the Employees' Retirement System of Alabama was in a legal or judicial position, and further provided such justice or judge requests such transfer within three years from the date of the time that this Act becomes law. Upon request of such justice or judge, the Secretary-Treasurer of the Employees' Retirement System of Alabama shall transfer such contributions and accrued interest thereon into the Judicial Retirement Fund and shall certify to the Judicial Retirement Fund and to such justice or judge the time of service that such justice or judge has accumulated in the Employees' Retirement System of Alabama, which said time of service shall count toward any judicial retirement benefit. Any justice or judge of the supreme court, a court of appeals, or of a circuit court holding office at the time this Act becomes law who has had time of service in a legal or judicial position in which he could have become a member of the Employees' Retirement System of Alabama, if he had elected to do so but did not so elect, or who has time

of service in the Employees' Retirement System of Alabama in a legal or judicial position, but has since withdrawn the contributions to such system, or who has time of service in the legislature of Alabama, provided credit may be claimed for a maximum of two and one-half years' service in the legislature, shall be entitled to have such time of service, regardless of whether or not such time of service was continuous, treated as time of service in the judicial position he holds at the time this Act becomes law; provided, such justice or judge pays into the Judicial Retirement Fund of Alabama a sum equal to four and one-half percent of his then annual salary for each year of such service that he elects to count toward judicial retirement; and further provided such election and payment is made to the Secretary-Treasurer of the Employees' Retirement System of Alabama within three years from the date this Act becomes law. Should the records of the Employees' Retirement System of Alabama fail to reflect the position held thereunder, affidavits from disinterested persons that such position was a legal or judicial position shall suffice as proof thereof.

Should the service of a justice or a judge of the supreme court, a court of appeals, or a circuit court be terminated prior to the time he is entitled to receive retirement benefits under this Act, the then such justice or judge shall have the right to elect to withdraw from the Judicial Retirement Fund and to have refunded to him his contributions to the Judicial Retirement Fund, plus accrued interest thereon; provided, further, should such a justice or judge not elect to withdraw from the Judicial Retirement Fund he shall be entitled to receive a certificate from the Secretary-Treasurer of the Employees' Retirement System of Alabama showing the time of service he has accumulated toward retirement. If he has sufficient time of service for any retirement benefit herein provided upon reaching a retirement age, or upon becoming permanently disabled as defined in this Act or upon his death, such certificate may be filed as proof of time of service with the then Secretary-Treasurer of the Judicial Retirement Fund in lieu of the requirements of Section 6; however, he shall indicate to the chief justice of the supreme court his desire as to inactive or active retired status.

**Section 11.** The legislature from time to time shall appropriate sufficient monies out of the general fund of the state treasury to sufficiently provide for the provisions of said Act. The amount paid from the general fund into the Judicial Retirement Fund annually shall not be less than the yearly contributions paid by all members. Sufficient monies are hereby appropriated out of the general fund to provide adequate funds for the operation of said Judicial Retirement Fund for the fiscal year ending September 30, 1974, and for the fiscal year

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ending September 30, 1975. Should the legislature fail to appropriate monies or sufficient monies for the Judicial Retirement Fund then the contributions from the state out of the general fund to be paid into the Judicial Retirement Fund shall be paid out of monies appropriated to the account designated for salaries of supernumerary justices and judges; provided, however, that such payments shall not adversely affect the amounts paid to any supernumerary justice or judge.

**Section 12.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

**Section 13.** The provisions of this Act are cumulative and shall not be construed to repeal or supersede any laws not inconsistent herewith.

**Section 14.** Should there hereafter be created a different or additional state judicial office, which officeholders receive compensation from the state treasury, then the provisions of this Act shall be applicable to such state judicial officeholders; however, if the different or additional office is an appellate position then the provisions applicable to a judge of the court of criminal appeals or court of civil appeals shall be applicable to such different or additional judicial office, and if the different or additional judicial office is a trial position, then the provisions of this Act applicable to a circuit judge shall be applicable to the different or additional judicial position.

**Section 15.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 18, 1973.

Time: 3:45 P.M.

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Act No. 1164

H.J.R. 244—Weeks, Bowers

### HOUSE JOINT RESOLUTION

#### MOURNING THE DEATH OF WILLIAM WHITT CARDWELL.

WHEREAS, William Whitt Cardwell, 75 years of age, a distinguished leader in veterans affairs died recently; and,

WHEREAS, Mr. Cardwell served with distinction in the United States Navy during World War I from 1917 through 1923 serving in the North Atlantic Transport Service aboard the transport ship the *Susquehanna*; and,



WHEREAS, Mr. Cardwell was a member and served as Commander and Quartermaster of Kelly Ingram Post #668 of the Veterans of Foreign Wars and also as a member of the General Gorgas Post #1 of The American Legion; and,

WHEREAS, he has been extremely active at all levels in World War I Veterans Affairs serving as Commander, Birmingham Barracks #915 of the Veterans of World War I, as Senior Vice Commander and Commander, Alabama State Veterans of World War I, as Chairman, Southern States Conference of World War I Veterans, and as Fifth Region Commander, United States Association of Veterans of World War I; and

WHEREAS, Mr. Cardwell served as a charter member of the Alabama State Board of Veterans Affairs and continued to serve with distinction until his death; and,

WHEREAS, Mr. Caldwell was twice Past Master and a member of the Bilbro Lodge # 716 F and M; and,

WHEREAS, Mr. Cardwell was a lifetime member and Past Worthy Patron of Allison Chapter # 166, Order of the Eastern Star; and,

WHEREAS, Mr. Cardwell was an active member of the Central Baptist Church of Tarrant and served it as a Deacon and as teacher of the Ready Men's Sunday School Class for many years;

NOW THEREFORE BE IT RESOLVED, BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that it mourns the death of William Whitt Cardwell who served his state and fellow veterans with distinction and expresses its deepest sorrow to the members of his family.

BE IT FURTHER RESOLVED that copies of this resolution be sent to his wife, Grace Cameron Caldwell of Birmingham, his daughter, Lillian Cardwell Manley of Demopolis, and his son William Whitt Cardwell, Jr. of Gadsden.

Approved September 18, 1973.

Time: 3:55 P.M.

Act No. 1165

H.J.R. 256—Turnham

# HOUSE JOINT RESOLUTION

## COMMENDING MR. P. LYNCH WHATLEY

WHEREAS, the late Mr. P. Lynch Whatley was an outstanding member of his community, and of this State; and

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WHEREAS, Mr. P. Lynch Whatley was a graduate of Auburn University, a family man, farmer, farm leader, church member and worker, a civic and community leader, and a long time member of the Lee County Board of Education; and

WHEREAS, the Legislature of this State wishes to publicly recognize and commend such an outstanding citizen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the late Mr. P. Lynch Whatley, of Lee County, be commended for his service to his community, to this State and to her people, and for his outstanding and exemplary citizenship.

RESOLVED FURTHER, That a copy of this resolution be sent to Mr. Whatley's family.

Approved September 18, 1973.

Time: 3:55 P.M.

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Act No. 1166

H. 617—Grainger

### AN ACT

To amend Act No. 1260, Regular Session, 1971; to provide criminal penalties for willful or gross negligent violations of said act; to provide criminal penalties for knowingly making false statements, representations, or certifications in material filed or required to be maintained under said act, and for falsifying, tampering, or knowingly rendering inaccurate monitoring devices or methods required to be maintained under said act; and to provide an effective date.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Act No. 1260, Regular Session, 1971, is amended by adding a new Section 4A, immediately after Section 4 of said Act No. 1260, as follows:

"Section 4A. Criminal Enforcement. (a) Any person who willfully or with gross negligence violates any provision of the Act, rule, regulation or standard adopted hereunder, or any permit condition or limitation in a permit issued hereunder, shall be punished by a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or by both. If the conviction is for a violation committed after a first conviction of such person under this subsection, punishment shall be by a fine of not more than \$50,000 per day of violation, or by imprisonment for not more than two years, or by both.

“(b) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained under this Act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Act, shall upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than six months, or by both.”

“(c) For the purposes of this Section, the term “person” shall mean, in addition to the definition contained in Section 2 of this Act, any responsible corporate officer.”

**Section 2.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** This Act is intended to supplement existing law, and no part hereof shall be construed to repeal any existing law.

**Section 4.** The provisions of this Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 18, 1973.

Time: 4:00 P.M.

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Act No. 1167     H. 1214—Grainger, Lyons, Doss, McCorquodale, Manley, Waggoner, Wallace, Bowers, Hughes, Smith (P), Adwell, Crowe, McDonald, Carter, McCluskey, Callahan, Collins, Parker, Williams, Gafford, Flippo, Dill, Weeks, Casey, Hale, Meeks, Lang, King, Ellis

#### AN ACT

To amend Section 2 of Title 51 of the Code of Alabama of 1940, as heretofore amended, so as to exempt from ad valorem taxation all devices, identifiable parts of devices, systems or facilities constructed, used or placed in operation primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 2 of Title 51 of the Code of Alabama of 1940, as heretofore amended, shall be and hereby is further amended to read as follows:

"Section 2. Persons and Property — The following property and persons shall be exempt from ad valorem taxation and none other:

(a) All bonds of the United States and this state, and all county and municipal bonds issued by counties and municipalities in this state, all property, real and personal, of the United States and this state, and of county and municipal corporation in this state; all cemeteries; all property, real and personal, used exclusively for religious worship, for schools or for purposes purely charitable; provided, however, property, real or personal, owned by any educational, religious or charitable institutions, society or corporation, let for rent or hire or for use for business purposes, shall not be exempt from taxation, notwithstanding the income from such property shall be used exclusively for education, religious or charitable purposes; all mortgages, together with the notes, debts, and credits secured thereby on real and personal property situated in this state, which mortgages have been filed for record and the privilege tax paid thereon; all security agreements and security interested under the Uniform Commercial Code, together with the notes, debts, and credits secured thereby; all money on deposit in any bank or banking institution and all other solvent credits; all warrants issued by county boards of education and city boards of education for the purpose of erecting, repairing, furnishing school buildings or for other school purposes, are exempt from taxation.

(b) — (1) All property, real or personal used exclusively for hospital purposes, to the amount of seventy-five thousand dollars, where such hospitals maintain wards for charity patients, or give treatment to such patients, provided that the treatment of charity patients constitutes at least fifteen percent of the business of such hospitals, provided further that such hospital need not be assessed for taxation if the owner or manager shall file with the county tax assessor wherein such hospital is located within the time allowed for assessing such property for taxation a certificate that such hospital has done fifteen percent charity work in the preceding tax year; and further provided that such hospital through its owner or manager shall have until the expiration of the preceding tax year to class its work and ascertain whether or not such hospital has done fifteen percent of its treatment of patients as charity work.

(b) — (2) The shares of the capital stock of any corporation owning and operating a hospital, to the extent of seventy-five thousand dollars in value are exempt from taxation, provided that said corporation maintains wards for charity patients and gives treatment to such patients which treatment constitutes

at least fifteen percent of the business of the hospital of said corporation, provided that the total exemption granted to any such corporation shall not exceed seventy-five thousand dollars taking into consideration its real and personal property and the value of its shares of capital stock.

(c) All property owned by the American Legion, or by Veterans of Foreign Wars, or any post thereof; provided that such property is used and occupied exclusively by said organization.

(d) All the property of literary and scientific institutions and literary societies, when employed or used in the regular business of such institution.

(e) The libraries of ministers of the gospel, and all libraries other than those of a professional character and all religious books kept for sale by ministers of the gospel and colporteurs.

(f) The property of deaf mutes and insane persons to the extent of three thousand dollars, and the property of blind persons to the extent of twelve thousand dollars.

(g) All family portraits.

(h) All cotton, livestock or agricultural products which have been raised or grown in the state of Alabama, and which shall remain in the hands of the producer thereof, or his landlord, or in the hands of a cooperative association for all time, and for a period of one year in the hands of the purchaser or the manufacturer.

(i) All cotton, wherever grown, stored in licensed warehouses in the state of Alabama for a period not exceeding twelve months.

(j) Provisions and supplies on hand for the current year for the use of the family and the making of crops; all wearing apparel; farming tools to the value of five hundred dollars; tools and implements of mechanics to the value of two hundred dollars; all livestock, including mules, horses, cows, calves, hogs, sheep and goats, and the following property to be selected by the head of each family, namely, household and kitchen furniture not to exceed five hundred dollars and one sewing machine.

(k) No license or taxation of any character, except franchise taxes provided by section 229, of the Constitution of the state of Alabama shall be collected or required to be paid to the state, or any county or municipality therein, by any state or county fair, agricultural association, stock kennel or

poultry show, athletic stadiums owned and controlled by universities, schools or colleges, and which are used exclusively for the purpose of promoting intercollegiate or interschool athletics. Provided that the revenue received from athletic stadiums, when admission is charged shall be used for the benefit of athletic associations of such universities, colleges or schools. Nothing contained in this subsection shall be construed to prohibit any municipality, county or state, from imposing any license tax upon or for the privilege of engaging in the business of supplying services for hire or reward, or selling commodities other than livestock, farm products or farm implements, or conducting or operating devices or games of skill or amusements or other games or devices, or conducting or operating shows, displays or exhibits other than shows, displays or exhibits of agricultural implements, farm products, livestock and athletic prowess.

(l) All raw material, including coke, produced during the current calendar year, when stocked at any plant or furnace, for manufacturing purposes in Alabama.

(m) All manufactured articles including pig iron, in the hands of the producer or manufacturer thereof, when stored at or near the place of manufacture or within the county where same was manufactured or produced, shall be exempt from taxation for twelve months after its production or manufacture.

(n) All property both real and personal owned by any unit or organization of the Alabama national guard officially recognized as such by the federal government and organized and maintained by the state and all property owned by shares and used exclusively by and kept exclusively in the possession of any such unit or organization of the Alabama national guard the annual rent or hire of which is not in excess of the annual state, county and municipal taxes on said property shall be exempt from taxation by the state, and the county and municipality in which the same may be situated.

(o) All poultry.

(p) The property of all incompetent veterans to the value of three thousand dollars shall be exempt from ad valorem taxation.

(q) The following items of personal property when owned by individuals for personal use in the home or usually kept at the home of the owner and not carried as stocks of merchandise; namely, libraries, phonographs, pianos, and other musical instruments; paintings; precious stones, jewelry, plate silverware, ornaments, and articles of taste; watches and clocks; wagons, buggies, bicycles, guns, pistols, canes, golf sticks, golf

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bags, and sporting goods; money hoarded; radios; mechanical and electrical refrigerators.

(r) All property owned by the Benevolent and Protective Order of Elks, Fraternal Order of Police, Fraternal Order of Eagles, or lodge thereof, provided such property is used and occupied exclusively by such organization.

(s) All devices, facilities or structures, and all identifiable components thereof or materials for use therein, acquired or constructed primarily for the control, reduction or elimination of air or water pollution.

**Section 2.** This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 18, 1973.

Time: 4:00 P.M.

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Act No. 1168

H. 1207—Boutwell, McNair, Weeks

AN ACT

To amend Section 4.06 of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, Approved September 9, 1955 (Acts of 1955, Page 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent Federal Census.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** That Section 4.06 of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, page 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent Federal Census, be and said Section 4.06 is hereby amended to read as follows:

“4.06. The mayor; powers and duties.—The mayor shall be the head of the administrative branch of the city government. He shall not sit with the council nor shall he have a vote in its proceedings and he shall have the power and duties herein conferred. He shall be responsible for the proper administration of all affairs of the city and, subject to the provisions of any civil service or merit system law applicable to such city and except as otherwise provided herein, he shall have power and shall be required to:

(1) Enforce all law and ordinances;

(2) Appoint and, when necessary for the good of the service, remove all officers and employees of the city except as otherwise provided by this Act and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office; provided that he shall not appoint or remove officers and employees of:

(a) any library board of the city;

(b) any board of the city having control over any park, recreation facility, fair or exhibit;

(c) any municipally-owned public utility, including electric, gas and water systems, while such utility is operating under a board constituted by law or required by the terms of any indenture, mortgage or deed of trust providing for employment by other authority;

(d) any school board of the city;

(e) any planning board or zoning board of the city;

(3) Exercise administrative supervision and control over all departments created by this Act or by law or hereafter created by the council except those enumerated in subdivisions (a) to (e) inclusive of subsection (2) of this section, and except those otherwise given independent status under this Act.

(4) Keep the council fully advised as to the financial conditions and needs of the city; prepare and submit the budget annually to the council and be responsible for its administration after its adoption; prepare and submit, as of the end of the fiscal year, a complete report on the financial and administrative activities of the city for such year.

(5) Recommend to the council such actions as he may deem desirable.

(6) Prepare and submit to the council such reports as may be required of him.

(7) Perform such other duties as may be prescribed by this Act.

(8) Fix the salaries or compensation of all officers and employees of the city who are appointable by him, subject, however, to the provisions of any civil service or merit law applicable to the city.

9. *Employ for and on behalf of said city not in excess of five employees to assist the Mayor and perform such duties*



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*relating to the work of the Mayor as the Mayor may assign. Each such employee shall serve at the pleasure of the Mayor at such compensation as the Mayor may set and shall not be under any merit or civil service system. Provided, however, the compensation of each such employee shall not be in excess of \$21,500.00 per annum. Each such employee shall by reason of such employment become a member of the pension system covering the general employees of such city, if there be such a system to the same extent and in the same manner as other general employees of the City.*

**Section 2.** This Act shall be effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 18, 1973.

Time: 4:00 P.M.

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Act No. 1169     H. 1211—Grainger, Lyons, Doss, McCorquodale, Manley, Waggoner, Wallace, Bowers, Hughes, Smith (P), Adwell, Crowe, McDonald, Carter, McCluskey, Callahan, Collins, Parker, Williams, Gafford, Flippo, Dill, Weeks, Casey, Hale, Meeks, Lang, King, Ellis

### AN ACT

To amend Section 33 of Act No. 100 enacted at the 1959 Second Special Session of the Legislature of Alabama, as heretofore amended, so as to exempt from the provisions of said Act, and from the computation of the amount of sales tax levied, assessed or payable thereunder, the gross proceeds from the sale of all devices, identifiable parts of devices, systems or facilities used or placed in operation in the State of Alabama, or intended for use or operation in the State of Alabama, primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution, and the gross proceeds from the sale of all materials used in the State of Alabama, or intended for use in the State of Alabama, primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 33 of Act No. 100 enacted at the 1959 Second Special Session of the Legislature of Alabama, as heretofore amended, shall be and hereby is further amended to read as follows:

“Section 33. There are exempted from the provisions of this Act and from the computation of the amount of the tax levied, assessed or payable under this Act the following:

(a) The gross proceeds of the sales of lubricating oil and gasoline as defined in Sections 630 and 646 of Title 51, Code 1940, which are otherwise taxed.

(b) The gross proceeds of the sale, or sales, of fertilizer. The word 'fertilizer' shall not be construed to include cottonseed meal, when not in combination with other materials.

(c) The gross proceeds of the sale, or sales, of seeds for planting purposes and baby chicks and poults. Nothing herein shall be construed to exempt or exclude from the computation of the tax levied, assessed or payable, the gross proceeds of the sale or sales of plants, seedlings, nursery stock of floral products.

(d) The gross proceeds of sales of insecticides and fungicides and feed for livestock and poultry (but not including prepared food for dogs and cats).

(e) The gross proceeds of sales of all livestock by whomsoever sold, and also the gross proceeds of poultry and other products of the farm, dairy, grove or garden, when in the original state of production or condition of preparation for sale, when such sale or sales are made by the producer or member of his immediate family or for him by those employed by him to assist in the production thereof. Nothing herein shall be construed to exempt or exclude from the measure or computation of the tax levied, assessed or payable hereunder, the gross proceeds of sales of poultry or poultry products when not products of the farm.

(f) Cottonseed meal exchanged for cotton seed at or by cotton gins.

(f-1) The gross receipts from the business on which, or for engaging in which a license or privilege tax is levied by or under the provisions of Sections 177-180, 182-184, and 186 of Title 51, Code of Alabama 1940. Provided, however, that nothing contained in this subsection shall be construed to exempt or relieve the person or persons operating the business enumerated in said Sections from the payments of the tax levied by this bill upon or measured by the gross proceeds of sales of any tangible personal property (except gas and water, the gross receipts from the sale of which are the measure of the tax levied by said Section 177) merchandise or other tangible commodities sold at retail by said persons, unless the gross proceeds of sale thereof are otherwise specifically exempted by the provisions of this bill.

(f-2) The gross proceeds of sales or gross receipts, of or by, any person, firm or corporation, from the sale of transportation, gas, water or electricity, of the kinds and natures,

the rates and charges for which, when sold by public utilities, are customarily fixed and determined by the public service commission of Alabama or like regulatory bodies.

(g) The gross proceeds of the sale, or sales of coal or coke to manufacturers, electric power companies and transportation companies for use or consumption in the production of by-products, or the generation of heat or power used in manufacturing tangible personal property for sale, for the generation of electric power or energy for use in manufacturing tangible personal property for sale or for resale, or for the generation of motive power for transportation.

(h) The gross proceeds from the sale or sales of fuel and supplies for use or consumption aboard ships and towing vessels plying the high seas or gulf intracoastal waterway either in intercoastal trade between ports in the State of Alabama and ports in other states of the United States or its possessions or in foreign commerce between ports in the State of Alabama and ports in foreign countries. Provided, however, that nothing in this Act shall be construed to exempt or exclude from the measure of the tax herein levied the gross proceeds of sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships and other watercraft of fifty tons burden or less.

(i) The gross proceeds of sales of tangible personal property to the State of Alabama, to the counties within the State, and to incorporated municipalities of the State of Alabama.

(j) The gross proceeds of the sale or sales of railroad cars, and vessels and barges of more than fifty tons burden, when sold by the manufacturers or builders thereof.

(k) The gross proceeds of the sale or sales of materials, equipment, and machinery which enter into and become a component part of ships, vessels or barges of more than fifty tons burden, constructed or built within the state.

(l) The gross proceeds of the sale or sales of fuel oil purchased as fuel for kiln use in manufacturing establishments.

(m) The gross proceeds of the sale or sales of tangible personal property to county and city school boards and independent school boards as defined by Senate Bill No. 20 of the 1959 Second Special Session of the Legislature of Alabama and all educational institutions and agencies of the State of Alabama, the counties within the State, or any incorporated municipality of the State of Alabama.

(n) The gross proceeds from the sale of all devices or facilities (and all identifiable components thereof or materials

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for use therein) acquired primarily for the control, reduction or elimination of air or water pollution and the gross proceeds from the sale of all identifiable components of or materials used or intended for use in structures built primarily for the control, reduction or elimination of air and water pollution.

**Section 2.** This act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved September 18, 1973.

Time: 4:00 P.M.

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Act No. 1170     H. 1212—Grainger, Lyons, Doss, McCorquodale, Manley, Waggoner, Wallace, Bowers, Hughes, Smith (P), Adwell, Crowe, Carter, McCluskey, Callahan, Collins, Parker, Williams, Gafford, Flippo, Dill, Weeks, Casey, Hale, Meeks, Lang, King, Ellis

#### AN ACT

To amend Section 402 of Title 51 of the Code of Alabama of 1940, as heretofore amended, to provide for the allowance of a deduction, for Alabama corporate income tax purposes, for all amounts invested in devices, parts of devices, systems or facilities used or placed in operation in the State of Alabama, or to be used or placed in operation in the State of Alabama, primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution, to provide for, in lieu of such deduction, the amortization of all such amounts over such period (not exceeding the useful life of the devices, parts, systems or facilities for which such amounts were expended) as shall be specified in the tax return respecting the taxable year during which such amounts were expended and for appropriate deductions of the amounts so amortized, to provide that the taking of any such deductions shall be optional with the taxpayer, to provide that any such deduction, if taken, shall be in lieu of any other allowance for depreciation or obsolescence with respect to such devices, parts, systems or facilities, and to provide that none of such deductions shall be subject to any apportionment or allocation otherwise required and that all thereof shall be allowed in full.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 402 of Title 51, Code of Alabama is hereby amended to read as follows:

“Section 402. In computing the net income of domestic corporations doing business in this state subject to the tax imposed by section 398 of this title, there shall be allowed as deductions items described in the following numbered subsections of this section. In computing the net income of foreign

corporations doing business in this state subject to the tax imposed by section 398 of this title, there shall be allowed as deductions the items described in the following numbered subsections of this section, but only if, and to the extent that, such items are referable to or arise in connection with income of such corporations arising from sources within the State of Alabama; the proper apportionment and allocation of deductions of such foreign corporations with respect to the income arising from sources within and without the state of Alabama shall be determined under the rules and regulations prescribed by the department of revenue; provided that in the case of foreign corporations doing business partly within and partly without Alabama where income is apportioned and allocated to Alabama the expense incurred by such corporation in connection with earning such income shall be apportioned to Alabama in such manner as shall fairly reflect the net income of the corporation attributable to its operations in Alabama; provided, however, that none of the deductions allowed by subsection (12) of this section shall be subject to any such apportionment or allocation and all thereof shall be allowed in full, any provisions thereof to the contrary notwithstanding. Subject to the limitations contained in the preceding sentence, there shall be allowed as deductions in computing the net income of corporations:

(1) All ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business including a reasonable allowance for salaries and other compensation for personal services actually rendered, and including rentals or other payments required to be made as a condition to the continued use or possession of property to which the corporation has not taken or is not taking title, or in which it has no equity.

(2) All interest paid or accrued within the taxable year on its indebtedness except on indebtedness incurred or continued to purchase or carry obligations or securities (other than obligations of the United States issued after September 24, 1917), the interest upon which is wholly exempt from taxation under this title as income to the taxpayer; in the case of a foreign corporation, the proportion of such interest which shall be deductible shall be a portion of such interest determined by the ratio the amount of its gross income from sources within the state of Alabama bears to the amount of its gross income from all sources both within and without the state of Alabama.

(3) Taxes paid or accrued within the taxable year (a) imposed by the authority of the United States, or (b) by authority of any of its possessions; (c) by the authority of any

state or territory, or any county, school district, municipality, or other taxing subdivision of any state or territory not including income tax and not including those assessed for local benefits of a kind tending to increase the value of the property assessed but excluding the income taxes levied and imposed under this title. In the case of a foreign corporation taxes paid or accrued within the taxable year imposed by the authority of the state of Alabama or any county, school district, municipality or any other taxing subdivision of the state of Alabama excluding the income taxes levied and imposed under this title and the amount of taxes other than income taxes imposed by other authorities mentioned in this subsection (3) which shall be deductible by such foreign corporations shall be determined by the ratio that the gross income of the foreign corporation from sources within the state of Alabama bears to its gross income from all sources both within and without the state of Alabama; the amount of federal income tax which shall be deductible by such foreign corporation shall be determined by the ratio that the net income (as computed without any deduction for any applicable federal, state or local taxes on net income or any federal or state or local taxes measured by net income) of the corporation on business done within Alabama bears to its net income (as computed without any deduction for any applicable federal, state or local taxes on net income or any federal or state, or local taxes measured by net income) from business done both within and without the state of Alabama.

(4) Losses sustained during the taxable year and not compensated for by insurance or otherwise.

(5) Losses from debts ascertained to be worthless and charged off during the taxable year of such ascertainment, if sustained in the conduct of the regular trade or business of the taxpayer during the period covered by an Alabama tax law.

(6) A reasonable allowance for the exhaustion, wear and tear of property used in the trade, or business, including a reasonable allowance for obsolescence.

(7) In the case of mines, oil and gas wells, other natural deposits, and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar conditions in each case, based upon the cost, including cost of development not otherwise deducted, such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the department of revenue; in the case of leases the deductions allowed by this subsection shall be equitably apportioned between the lessor and the lessee.

(8) In the case of marine insurance companies, there shall be allowed amounts repaid to policyholders on account of premiums previously paid by them, and interest paid on such amounts between the ascertainment and the payment thereof.

(9) In the case of mutual insurance companies (other than mutual life or mutual marine insurance companies) requiring their members to make premium deposits to provide for losses and expenses, there shall be allowed the amount of premium deposits returned to their policyholders and the amount of premium deposits retained for the payment of losses, expenses and reinsurance reserves.

(10) Contributions or gifts made within the taxable year to recognized religious, charitable and scientific or educational institutions, or institutions for the prevention of cruelty to children or animals which are not operated for profit, and no part of the net earnings of which inures to the benefit of any private stockholder or individual, or contributions to the special fund for vocational rehabilitation authorized by section 7 of the United States Vocational Rehabilitation Act, the amount of such deduction not to be, however, in excess of five per centum of the taxpayer's net income as computed without the benefit of this subsection; such contributions or gifts shall be allowable as deductions only where made to institutions recognized as institutions for the above purposes under rules and regulations prescribed by the department of revenue.

(11) If contributions are paid by an employer to or under a stock bonus, pension, profit-sharing or annuity plan, or if compensation is paid or accrued on account of any employee under a plan deferring the receipt of such compensation, such contributions or compensation shall be deductible, but only to the extent permitted by the following lettered paragraphs of this subsection: (A) In the taxable year when paid, if the contributions are paid into a pension trust, and if such taxable year ends within or with a taxable year of the trust for which the trust is exempt under section 392 of this title in an amount which shall be determined as follows: (1) An amount not in excess of 5 per centum of the compensation otherwise paid or accrued during the taxable year to all the employees under the trust, but such amount may be reduced for future years if found by the department of revenue upon periodical examinations at not less than five-year intervals to be more than the amount reasonable necessary to provide the remaining unfunded cost of part and current service credits of all employees under the plan, plus (ii) Any excess over the amount allowable under subparagraph (i) of this paragraph (A) necessary to provide with respect to all of the employees under the trust the remaining unfunded cost of their past and current service

credits distributed as a level amount or a level percentage of compensation, over the remaining future service of each such employee, as determined under regulations prescribed by the department of revenue, but if such remaining unfunded cost with respect to any three individuals is more than 50 per centum of such remaining unfunded cost, the amount of such unfunded cost attributable to such individuals shall be distributed over a period of at least 5 taxable years, or (iii) In lieu of the amounts allowable under subparagraphs (i) and (ii) of this paragraph (A): An amount equal to the normal cost of the plan, as determined under regulations prescribed by the department of revenue, plus, if past service or other supplementary pension or annuity credits are provided by the plan, an amount not in excess of 10 per centum of the cost which would be required to completely fund or purchase such pension or annuity credits as of the date when they are included in the plan, as determined under regulations prescribed by the department of revenue, except that in no case shall a deduction be allowed for an amount (other than the normal cost) paid in after such pension or annuity credits are completely funded or purchased. (iv) Any amount paid in a taxable year in excess of the amount deductible in such year under the limitations set forth in subparagraphs (i), (ii) and (iii) of this paragraph (A) shall be deductible in the succeeding taxable years in order of time to the extent of the difference between the amount paid and deductible in each such succeeding year and the maximum amount deductible for such year in accordance with the limitations set forth in subparagraphs (i), (ii) and (iii) of this paragraph (A). (B) In the taxable year when paid, in an amount determined in accordance with paragraph (A) of this subsection, if the contributions are paid toward the purchase of retirement annuities and such purchase is a part of a plan which meets the requirements of subsection (5) of section 392 of this title, and if refunds of premiums, if any, are applied within the current taxable year or next succeeding taxable year towards the purchase of such retirement annuities. (C) In the taxable year when paid, if the contributions are paid into a stock bonus or profit-sharing trust, and if such taxable year ends within or with a taxable year of the trust with respect to which the trust is exempt and subsection (5) of section 392 of this title, in an amount not in excess of 15 per centum of the compensation otherwise paid or accrued during the taxable year to all employees under the stock bonus or profit-sharing plan. If in the taxable year beginning after July 7, 1945, there is paid into the trust, or a similar trust then in effect, amounts less than the amounts deductible under the preceding sentence, the excess, or if no amount is paid, the amounts deductible shall be carried forward and be deductible when paid in the succeeding taxable



years in order of time, by the amount so deductible under this sentence in any such succeeding taxable year shall not exceed 15 per centum of the compensation otherwise paid or accrued during such succeeding taxable year to the beneficiaries under the plan. In addition, any amount paid into the trust in a taxable year beginning after July 7, 1945, in excess of the amount allowable with respect to such year under the preceding provisions of this paragraph (C) shall be deductible in the succeeding taxable years, in order of time, but the amount so deductible under this sentence in any one such succeeding taxable year together with the amount allowable under the first sentence of this paragraph shall not exceed 15 per centum of the compensation otherwise paid or accrued during such taxable year to the beneficiaries under the plan. The term 'stock bonus or profit-sharing trust', as used in this subparagraph, shall not include any trust designed to provide benefits upon retirement and covering a period of years, if under the plan amounts to be contributed by the employer can be determined actuarially as provided in paragraph (A) of this subsection. If the contributions are made to two or more stock bonus or profit-sharing trusts, such trusts shall be considered a single trust for the purposes of applying the limitations in this subparagraph. (D) In the taxable year when paid, if the plan is not one included in paragraphs (A), (B), or (C) of this subsection, if the employees' rights to or derived from such employer's contribution or such compensation are nonforfeitable at the time the contributions or compensation is paid. (E) For the purposes of paragraphs (A), (B), and (C) of this subsection a taxpayer on the accrual basis shall be deemed to have made a payment on the last day of the year of accrual if the payment is on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (including extensions thereof). (F) If amounts are deductible under paragraphs (A) and (C), or (B) and C, or (A), (B), and (C) of this section, in connection with two or more trusts, or one or more trusts and an annuity plan, the total amount deductible in a taxable year under such trusts and plans shall not exceed 25 per centum of the compensation otherwise paid or accrued during the taxable year to the persons who are the beneficiaries of the trusts or plans. In addition, any amount paid into such trusts or under such annuity plans in a taxable year beginning after July 7, 1945, in excess of the amount allowable with respect to such year under the preceding provisions of this paragraph shall be deductible in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any one such succeeding taxable year together with the amount allowable under the first sentence of this paragraph shall not exceed 30 per centum of the compensation otherwise paid or

accrued during such taxable years to the beneficiaries under the trusts or plans. This paragraph shall not have the effect of reducing the amount otherwise deductible under paragraphs (A), (B), and (C), if no employee is a beneficiary under more than one trust, or a trust and an annuity plan. If there is no plan but a method of employer contributions or compensation has the effect of a stock bonus, pension, profit-sharing, or annuity plan, or similar plan deferred the receipt of compensation, this subsection (11) shall apply as if there were such a plan.

(12) All amounts invested during the taxable year in all devices, facilities or structures and all identifiable components thereof or materials for use therein, acquired or constructed primarily for the control, reduction or elimination of air or water pollution; provided, however, that in lieu of deducting such amounts, the corporation may elect to amortize all such amounts over such period (not exceeding the useful life of devices, facilities or structures for which such amounts were expended) as it specifies in its tax return respecting the taxable year during which such amounts were expended, in which case it shall be entitled to appropriate deductions for the taxable years so specified; and provided further (a) that the taking of any deduction authorized by this sub-section (12) shall be optional with the corporation; and (b) that if any such deduction is taken with respect to such devices, facilities or structures, such corporation shall not be permitted any allowance for depreciation or obsolescence thereof otherwise allowable under this section.

(13) The amounts received during taxable years beginning on or before December 31, 1968, as dividends from a corporation, or any subsidiary corporation of which the parent organization owns as much as fifty percent of the capital stock, which is taxable under this title upon the net income of the parent corporation or the subsidiary; the amounts received after December 31, 1968, as dividends from a corporation or any subsidiary corporation which is taxable under this title (including liquidating dividends), whether received in cash or property or both, if at the time of the receipt of such dividends the corporation receiving such dividends is the owner of stock, in the corporation distributing such dividends: (a) Possessing at least 50 percent of the total combined voting power of all classes of stock entitled to vote and (b) constituting at least 50 percent of the total number of shares of all classes of stock other than classes of stock which is limited and preferred as to dividends."

**Section 2.** If any provision or section of the Act be held unconstitutional, it is declared to be legislative intent that the

Act shall be construed to be severable in its provision and the remaining portions of the Act shall continue in force and effect.

**Section 3.** This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 18, 1973.

Time: 4:00 P.M.

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Act No. 1171     H. 1213—Grainger, Lyons, Doss, McCorquodale, Manley, Waggoner, Wallace, Bowers, Hughes, Smith (P), Adwell, Crowe, McDonald, Carter, McCluskey, Callahan, Collins, Parker, Williams, Gafford, Flippo, Dill, Weeks, Casey, Hale, Meeks, Lang, King, Ellis

### AN ACT

To amend Section 789 of Title 51 of the Code of Alabama of 1940, as heretofore amended, so as to exempt, from the state use tax, the storage, use or consumption of any devices, identifiable parts of devices, systems or facilities constructed, used or placed in operation in the State of Alabama primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution, and the storage, use or consumption of any materials used primarily for the protection of the public and the public interest through the control, reduction or elimination of air and water pollution.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 789 of Title 51 of the Code of Alabama of 1940, as heretofore amended, shall be and hereby is further amended to read as follows:

“Section 789. The storage, use or other consumption in this state of the following tangible personal property is hereby specifically exempted from the tax imposed by this Article:

(a) Property, the gross proceeds of sales of which are required to be included in the measure of the tax imposed by the provisions of article 10 of this chapter.

(b) Property, the storage, use or other consumption of which this state is prohibited from taxing under the Constitution or laws of the United States of America or under the Constitution of this state.

(c) Tangible personal property, not to be used in the performance of a contract, brought into this state by a non-resident thereof for his own storage, use or consumption while temporarily within this state.

(d) Lubricating oil and gasoline as defined in sections 630 and 646 of this title, the storage, use or other consumption of which is otherwise taxed.

(e) All fertilizer; provided, the word "fertilizer" as used in this article shall not be construed to include cottonseed meal when not in combination with other material.

(f) All seeds for planting purposes and baby chicks and poults; provided, nothing herein shall be construed to exempt plants, seedlings, nursery stock or floral products.

(g) Insecticides and fungicides and feed for livestock and poultry (but not including prepared foods for dogs and cats).

(h) The use, storage or consumption of all livestock by whomsoever sold; and also the gross proceeds of poultry and other products of the farm, dairy, grove or garden, when in the original state of production or condition of preparation for sale, when such sale of sales are made by the producer or members of his immediate family or for him by those employed by him to assist in the production thereof. Nothing herein shall be construed to exempt or exclude from the measure or computation of the tax levied, assessed or payable hereunder, the gross proceeds of sales of poultry or poultry products when not products of the farm.

(i) Cottonseed meal exchanged for cottonseed at or by cotton gins.

(j) Transportation, gas, water or electricity, of the kinds and natures, the rates and charges for which when sold by public utilities, are customarily fixed and determined by the public service commission of Alabama or like regulatory bodies.

(k) Coal or coke to be stored, used or consumed by manufacturers, electric power companies and transportation companies for use or consumption in the production of by-products or the generation of heat or power used (1) in manufacturing tangible personal property for sale (2) for the generation of electric power or energy for use in manufacturing tangible personal property for sale or for resale or (3) for the generation of motive power for transportation.

(1) Fuel and supplies for use or consumption aboard ships plying the high seas either in intercoastal trade between ports in the state of Alabama and ports in other states in the United States or its possessions or in foreign commerce between ports in the state of Alabama and ports in foreign countries. Provided, however, that nothing in this article shall be construed to exempt or exclude from the measure of the tax herein levied the gross proceeds of sale or sales of material and supplies to

any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships and other watercraft.

(m) Property stored, used or consumed by the state of Alabama, by the counties within the state, or by incorporated municipalities of the state of Alabama.

(n) The use, storage or consumption of materials, equipment, and machinery which enter into and become a component part of ships, vessels or barges of more than fifty tons burden, constructed or built within the state.

(o) The use, storage or consumption of fuel oil purchased as fuel for kiln used in manufacturing establishments.

(p) Tangible personal property stored, used or consumed by county and city school boards, and independent school boards as defined by Senate Bill No. 20 of the 1959 second special session of the legislature of Alabama and all educational institutions and agencies of the state of Alabama, the counties within the state, or any incorporated municipality of the state of Alabama.

(q) The storage, use or consumption of railroad cars, and vessels, and barges of more than 50 tons burden when purchased from the manufacturers or builders thereof.

(r) The storage, use or consumption of all devices or facilities (and all identifiable components thereof or materials for use therein) used or placed in operation primarily for the control, reduction or elimination of air or water pollution, and the storage, use or consumption of all identifiable components of or materials used or intended for use in structures built primarily for the control, reduction or elimination of air or water pollution.

**Section 2.** This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 18, 1973.

Time: 4:00 P.M.

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Act No. 1172     H. 1215—Grainger, Lyons, Doss, McCorquodale,  
 Manley, Waggoner, Wallace, Bowers,  
 Hughes, Smith (P), Adwell, Crowe,  
 Carter, Callahan, Collins, Parker,  
 Williams, Gafford, Flipppo, Dill,  
 Weeks, Casey, Hale, Meeks, Lang,  
 King, Ellis, McCluskey

## AN ACT

To amend Section 25 of Title 51 of the Code of Alabama of 1940, as heretofore amended, so as to provide for the deduction, from the assessed value of the shares of any Alabama corporation for the purpose of taxation of such shares, of the assessed value of all devices, identifiable parts of devices, systems and facilities constructed, used or placed in operation in the State of Alabama primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 25 of Title 51 of the Code of Alabama of 1940, as heretofore amended, shall be and hereby is further amended to read as follows:

“Section 25. Assessment and Collection. Every share of any domestic corporation except: (1) Financial institutions which comply with the provisions of this title as to excise taxes herein levied on such financial institutions (financial institutions within the meaning of this section and as expressly exempted from the provisions hereof are hereby defined as follows: Any corporation or any legal entity whatever doing business in this state as a bank, banking association, trust company, industrial or other loan company, building and loan association, and any other corporation or institution employing money capital coming into competition with the business of national banks); and except (2) insurance companies which are subject to the provisions of this title as to premium taxes herein levied on such insurance companies, and which shall be exempt from the tax assessed hereunder, shall be assessed and the taxes thereon collected in the county wherein such corporation has its home or chief office in the state and shall be assessed at thirty percent of its value to the person in whose name such shares stand on the books of the corporation and not to the corporation. Provided, however, that in the event the excise tax levied by this title upon such financial institutions be declared unconstitutional, the tender to the department of revenue of such excise tax despite such unconstitutionality shall be a bar to any demand, claim, levy or assessment, of any ad valorem tax under this section. The president or managing officer of every such corporation shall make out and return under oath to the tax assessor and to the department of revenue a list showing the total number of shares of the capital stock of such corporation and the par value thereof, and the full name and residence of each stockholder, as far as known, the actual value thereof, the date of the last sale of shares of stock of such corporation, with the name of the seller and the purchaser and the price paid for same, and the annual dividend declared on the stock of such corporation, for the last three years, and the value of the shares as shown by the books of the corporation, and by the last report of the officers to the

shareholders, and the amount of surplus, and the amount of the undivided profits not included in the surplus, and such other information as may be required by the department of revenue. There shall be attached to the copy of the return made to the department of revenue a true balance sheet as shown by the books, showing the condition of such corporation at the close of its fiscal period next preceding October first of the year for which the assessment is to be made. Such corporations shall at the same time make a tax return sworn to by its president or manager, to the department of revenue and to the county tax assessor, on forms prescribed and furnished by the department of revenue, of all taxable property, real and personal, situated in the state and owned by such corporation, and the department of revenue after passing on the value of the shares of the capital stock shall fix the value of all the shares of said corporation and shall take thirty percent thereof of which shall be the assessed value of the shares of said corporation. Whenever the department of revenue shall have passed on the valuation and assessment of the shares of any domestic corporation as herein provided, it shall give notice in writing by registered mail, return receipt demanded, to the president or managing officer or person signing the tax return of the corporation, or if no return has been made, then such notice to be addressed to any officer of the corporation against whose shares the assessment has been made, giving notice of the valuation and assessment, stating that on a day specified, it will determine any complaint against said valuation, which notice must be served at least ten days before the day specified for a final determination of the assessment. Upon hearing the complaint of protest against any valuation or assessment of the shares of the domestic corporation or if there has been no complaint or objection filed on or before the date specified in the notice for the determination of such matter, the department of revenue shall proceed to determine and fix the value of such shares and complete the assessment thereof. After the assessed value of all the shares has been passed on and determined the department of revenue shall deduct from the total value of such shares (a) the assessed value of the real and personal property of the corporation as shown by such tax return by the corporation or finally determined. Provided, however, that should the assessed value of the real and personal property as shown by such tax return differ from the assessed value of the real and personal property as finally determined by the taxing authorities required to assess such property or in case of appeal, as finally determined by the court of last resort, the same shall not affect the assessed value of all of the shares of the corporation as fixed by the department of revenue. It being the meaning and intent of this section that the assessed value of all the shares of the corporation be fixed

by the department of revenue and that there be deducted therefrom the correct assessed value of the real and personal property of the corporation when the same shall finally be determined. Provided, however, that if any property owned by a corporation which property is subject to taxation in this state is omitted from the tax return filed by said corporation, the same shall be assessed as an escape item or item of taxation in the same manner as escaped property of individuals and the value of such omitted property shall not be deducted from the value of the shares of stock of the corporation as assessed for taxation. If the aggregate assessed value of the shares does not exceed the aggregate assessed value of the real and personal property of the corporation, then no tax shall be demanded or collected on the shares. Provided further that any corporation within the provisions of this section shall be entitled, for the purpose of arriving at the value of its shares for taxation, to have deducted from the value of its shares as fixed by the department of revenue the assessed value of property owned in other states or amount of assessment of property made by it in other counties of this state on the next preceding first day of October. (b) The book value of all devices, facilities or structures, and all identifiable components thereof or materials for use therein, acquired or constructed primarily for the control, reduction or elimination of air or water pollution; and the value of residue remaining after deducting the assessed value of the real and personal property as finally determined and the assessed value of the aforesaid devices, facilities or structures shall constitute the assessment against the shares of such corporation, and such residue divided by the whole number of shares which constitute the assessment for each share of taxation.

**Section 2.** This act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved September 18, 1973.

Time: 4:00 P.M.

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Act No. 1173     H. 1216—Grainger, Lyons, Doss, McCorquodale, Manley, Waggoner, Wallace, Boutwell, Hughes, Smith (P), Adwell, Crowe, McDonald, Carter, McCluskey, Callahan, Collins, Parker, Williams, Gafford, Flippo, Dill, Weeks, Casey, Hale, Meeks, Lang, King, Ellis



## AN ACT

To amend Section 348 of Title 51 of the Code of Alabama of 1940, as heretofore amended, so as to provide for the deduction, for purposes of computing the franchise tax on foreign corporations, of all amounts invested in all devices, identifiable parts of devices, systems and facilities used or placed in operation in the State of Alabama primarily for the protection of the public and the public interest through the control reduction or elimination of air or water pollution.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 348 of Title 51 of the Code of Alabama of 1940, as heretofore amended, shall be and hereby is further amended to read as follows:

"Section 348. A. Amount of levy on foreign corporations.—Every corporation organized under the laws of any other state, nation, or territory and doing business in this state, except strictly benevolent, educational or religious corporations, shall pay annually to the state an annual franchise tax of three dollars (\$3.00) on each one thousand dollars (\$1,000.00) of the actual amount of its capital employed in this state. Corporations which have qualified to do business in this state shall for the purpose of this title prima facie be held to be doing business in Alabama. Provided, however, in no event shall the amount paid by any corporation for annual franchise tax be less than the sum of twenty-five dollars (\$25.00).

B. Definition of capital.—The total capital of such foreign corporation shall be deemed to be an amount equal to the sum of the following:

1. The outstanding capital stock;
2. Surplus and undivided profits, which shall include any amounts designated for the payment of dividends until such amounts are definitely and irrevocably placed to the credit of stockholders subject to withdrawal on demand;
3. The amount of bonds, notes, debentures or other evidences of indebtedness maturing and payable more than one year after the first day of the franchise tax year;
4. The amount of the bonds, notes, debentures or other evidences of indebtedness maturing and payable at the time to (a) any individual stockholder owning directly or indirectly 10% or more of the capital stock of such foreign corporation or (b) another corporation owning more than 50% of the capital stock of such corporation, or (c) another corporation more than 50% of the capital stock of which is owned by such foreign corporation, and which other corporation referred to in (b) or (c) is not also required to pay a franchise tax to the state of Alabama;

5. The amount reasonably required to adjust the depreciable property accounts for any rapid, excessive, or unreasonable depreciation charges, or amortization, so as to restore the depreciable property accounts, for franchise tax purposes, to original cost less depreciation computed on the basis of the useful life of such property to the corporation.

C. Determination of capital employed in state.—The actual amount of such total capital as herein defined which is employed in this state shall be determined in accordance with generally accepted accounting principles appropriate in the particular case and such determination shall establish a rebuttable presumption as to the actual amount of capital employed by the corporation in this state; provided, however, that in the case of organizations whose accounts and records are kept according to rules prescribed by a regulatory agency or instrumentality of the United States or by the Alabama public service commission, or by a state insurance department, the actual amount of capital employed in this state as so determined shall in no event exceed the value of the sum of (1) its tangible property located in this state and (2) its intangible property employed in the conduct of its business in this state.

D. Exclusions and Deductions.—(1) There shall be excluded from the amount of capital as determined in subsection B the investment by the taxpayer in the capital of other corporations organized under the laws of Alabama, or under the laws of any other state if such other corporations also pay a franchise tax to the state of Alabama, unless the taxpayer is a dealer in stocks or securities and (2) there shall be deducted from the amount of capital employed in this state as determined in accordance with subsections B and C hereof, the following amounts: (a) The aggregate amount of loans of money made by the taxpayer in this state and which shall be secured by existing mortgage or mortgages to it on real estate in this state and upon which mortgage or mortgages there shall have been paid the recording privilege tax provided by law; (b) the amount invested by the taxpayer in bonds or other securities issued by the state of Alabama, or any county, municipality or other political subdivision of the state of Alabama, or any public corporation organized under the laws of the State of Alabama, unless such corporation is a dealer in securities; and (c) the amount invested by the taxpayer in all devices, facilities, or structures, and all identifiable components thereof or materials for use therein, acquired or constructed primarily for the control, reduction or elimination of air or water pollution.

**Section 2.** This act shall become effective upon its passage

and approval by the Governor or upon its otherwise becoming a law.

Approved September 18, 1973.

Time: 4.00 P.M.

Act No. 1174

H. 1309—McCorquodale, Lyons

AN ACT

To make a conditional supplemental appropriation to the Department of Public Safety and the Department of Conservation and Natural Resources, for the fiscal years ending September 30, 1974 and September 30, 1975.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In addition to all other appropriations heretofore made to the Department of Public Safety there is hereby appropriated from the State General Fund for each of the fiscal years ending September 30, 1974, and September 30, 1975 the following:

For the fiscal year ending September 30, 1974:	
For Other Expenses .....	1,290,000.00
For Automotive Equipment Purchases .....	100,000.00
For Federal Matching Funds .....	170,000.00
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Total .....	1,399,000.00
For the fiscal year ending September 30, 1975:	
For Other Salaries .....	428,210.00
For Other Expenses .....	1,218,210.00
For Automotive Equipment Purchases .....	100,000.00
For Matching Federal Funds .....	200,000.00
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Total .....	2,172,210.00

**Section 2.** In addition to all other appropriations heretofore made to the Department of Conservation and Natural Resources there is hereby appropriated from the State General Fund for each of the fiscal years ending September 30, 1974, and September 30, 1975 the following:

Game and Fish Division	
For Other Expenses .....	198,000.00

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Water Safety Division	
For Other Expenses .....	67,320.00
Marine Resources Division	
For Other Expenses .....	25,000.00
Total .....	290,320.00

**Section 3.** The above appropriations are conditional upon the condition of the State General Fund and shall be paid with the approval of the Governor.

**Section 4.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 18, 1973.

Time: 4:00 P.M.

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Act No. 1175

H. 1353—Drake, McDonald, St. John

AN ACT

To establish, in Cullman County, a clerk of the intermediate court, to provide for a deputy clerk and assistant clerks in such office, to provide for salaries of such clerks and to provide for equipment and other necessary expenses for such office.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** There is hereby created an office of the clerk of the intermediate court in Cullman County which shall have custody of all records of the intermediate court, and shall consist of the following: The clerk, who shall be bonded as other county officers are, a deputy clerk who shall also serve as clerk of the juvenile court, two assistant clerks, and such other personnel as may hereafter be provided.

**Section 2.** All personnel of such office shall serve at the pleasure of the judge of the intermediate court of Cullman County, and the salaries of all such personnel shall be fixed by the judge of the intermediate court, but in no event shall such salaries be more than the following: For the clerk, \$6,800.00, for the deputy clerk, \$6,000.00, for one assistant clerk, \$4,200.00, for the other assistant clerk, \$3,600.00. Such salaries to be paid from the general fund of the county.

**Section 3.** All of the personnel of such office shall perform secretarial duties for the judge of the intermediate court and such other duties assigned to them by the judge of the intermediate court which are necessary to carry out the duties of

the office; such clerks as are necessary may be designated as warrant clerks by the judge and such clerks shall have the power to issue all misdemeanor warrants and John Doe felony warrants.

**Section 4.** The governing body of Cullman County shall provided an intermediate courtroom, office for the judge and clerk of such court, record keeping rooms and such furniture, and other funds as are necessary for the functioning of such court.

**Section 5.** The personnel to serve in the office of the clerk of the intermediate court, created by this act, shall be in lieu of any other personnel heretofore created to assist the intermediate court.

**Section 6.** All laws or parrrts of laws which conflict with this Act are hereby repealed.

**Section 7.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 8.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 18, 1973.

Time: 4:00 P.M.

Act No. 1176

H. 1809—Wise, Jackson

## AN ACT

To amend Act No. 386, H. 960, Regular Session 1969 (Acts 1969, Regular Session, p. 763) so as to increase the compensation of the Judge of the Inferior Court of Geneva County.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 1 of Act No. 386, H. 960, Regular Session 1969 (Acts 1969, Regular Session, p. 763) is hereby amended to read as follows:

**Section 1.** The Judge of the Inferior Court of Geneva County shall receive a salary of not more than \$15,000.00, per annum, to be determined before each term of said Judge begins by resolution of the Geneva County Commission or other governing body of said county, payable in equal monthly installments out of the general fund of the county upon the warrant

of the probate judge. Such warrant shall be a preferred claim against the general fund."

**Section 2.** This Act shall become effective upon the expiration of the term of the incumbent judge of the Geneva County Inferior Court.

Approved September 18, 1973.

Time: 4:00 P.M.

Act No. 1177

H. 1284—Barron, Jones (F)

### AN ACT

To provide for the uniform minimum compensation for all deputy sheriffs in certain counties having less than 600,000 population according to the last or any subsequent federal census in the State of Alabama.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Except in counties where salaries of deputy sheriffs are fixed and controlled by a merit system provided nevertheless and however that Madison County shall be under this act. Except in counties where salaries of deputy sheriffs are fixed and controlled by a merit system, or Civil Service Boards, provided, however, this exception shall be inapplicable in all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census. The compensation of all deputy sheriffs in the various counties having less than 600,000 population according to the last or any subsequent federal census of the State of Alabama shall be not less than 600.00 per month, provided, however that the compensation of the Chief Deputy Sheriff in each county shall be not less than 700.00 per month.

**Section 2.** The compensation provided for by this Act shall be paid from any funds available to the governing body of any such county. That any Sheriff that now has a deputy pay bill will have 30 days to make an irrevocable choice of which pay bill to come under by advising said county commission.

**Section 3.** Any law or parts of law in conflict with the provisions of this Act are hereby repealed.

**Section 4.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 5.** This Act shall become effective October 1, 1973.

Approved September 19, 1973.

Time: 3:05 P.M.

Act No. 1178

H. 1522—Lutz, Grainger, Hearn, King, Hale

## AN ACT

To establish an intermediate court in Madison County, Alabama, in lieu of all other intermediate or inferior courts created in lieu of justices of the peace heretofore created in said County, said court to be called the General Sessions Court of Madison County; to define the jurisdiction and powers of said Court and the officers thereof; to provide for the election or appointment of the Judges, Clerk, and other officers of said court; to fix the terms or tenure of office of the officers of said court and provide for their salaries and compensation and the methods of payment of same; to designate the officials to serve processes issued by said court, and define their duties and the duties of other officials with respect to said court; and, to otherwise provide for said court.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** There is hereby established in Madison County, Alabama, an intermediate court which shall be known and designated as the General Sessions Court of Madison County, which shall be in lieu of all inferior courts and justices of the peace heretofore existing in Madison County. Said court shall be held in the Madison County Courthouse in places furnished and designated by the Madison County Commission. Said court shall have all the powers and jurisdiction heretofore conferred upon any inferior or county courts or justices of the peace in Madison County. And the judges of said court shall have and exercise all the powers and authority and shall perform all the duties prescribed by law for justices of the peace or the judge or judges of any inferior or county courts heretofore existing in Madison County, and said judges shall have all the power and authority over matters transacted in the General Sessions Court of Madison County.

The court now known as the Madison County Court is hereby abolished. All cases pending in the Madison County Court, together with all documents, papers and judgments and orders of these courts shall be transferred to the General Sessions Court of Madison County created by this Act as if they had begun therein, and all judgments heretofore rendered by the Madison County Court shall be valid and enforceable the same as if they had been rendered by the Court created by this Act, and the Court created by this Act shall have full power, authority and control over the same and may issue execution and other process thereon as if the judgments and orders had been originally rendered in this court.

**Section 2.** The General Sessions Court shall have and exercise the following jurisdiction, authority and powers in addition to those enumerated above.

(a) The General Sessions Court shall have final jurisdiction,

concurrent with the Circuit Court of Madison County, of all misdemeanor offenses committed in Madison County;

(b) The General Sessions Court shall have preliminary jurisdiction in all felony cases arising in Madison County, concurrent with the Circuit Court of said county;

(c) The General Sessions Court shall have final jurisdiction concurrent with the Circuit Court peace proceedings;

(d) The General Sessions Court shall have and exercise jurisdiction in all civil cases at law when the matter or sum in controversy does not exceed three thousand dollars, (\$3,000.00).

(e) The General Sessions Court shall have concurrent jurisdiction in non capital felonies with the Circuit Court, for the limited purpose of taking of pleas of guilty and, when it shall be made known to the General Sessions Court that a defendant desires, under the provisions of Constitution of 1901, Amendment XXXVII, to enter a plea of guilty before said court, the judge of said court, or either of them shall be empowered to summon an available court reporter of the Twenty-third Judicial Circuit to record such plea of guilty as before circuit courts, and such plea shall be accepted upon information, and sentence or probation rendered in accordance with the law as if before a circuit court.

**Section 3.** The General Sessions Court shall not be a court of record, except for the limited purpose of taking pleas of guilty in non capital felony cases, but said court shall have a seal of office. The court shall not draw or impanel juries. If a defendant charged with a misdemeanor in the Madison County Court demands a jury trial the cause shall immediately be transferred to the Circuit Court and the costs in the General Sessions Court shall be taxed as part of the costs in the Circuit Court, provided, however, that such a demand for a jury trial must be entered before pleading to the charge.

**Section 4.** If a defendant in a civil case demands a trial by jury such case shall immediately be transferred to the Circuit Court, and the costs in the General Sessions Court shall be taxed as a part of the costs in the Circuit Court, provided, however, that such demand in order to be effective for the purposes of this Act must be made upon the defendant's initial appearance in court.

**Section 5.** The General Sessions Court shall be empowered to punish for contempt in the same manner and to the same extent as judges of the circuit courts.

**Section 6.** All rules of practice with reference to process, pleading and practice in the several proceedings in the circuit



courts in civil and criminal cases shall be applicable to this court provided the judges of the General Sessions Court are empowered to formulate and institute such different or additional rules as are necessary to the ends of justice and the expeditious disposition of litigation. Summons issued from the court in civil cases may be returnable on a date and time certain, provided that they must be executed at least three days before the return date thereof.

**Section 7.** Prosecutions for misdemeanors committed in Madison County may be instituted in Madison County by making an affidavit before a judge of said court or such other magistrate as law may designate, the writ on said affidavit to be issued by a judge of said court or issuing magistrate and when the defendant is arrested on said affidavit, the cause shall be docketed for trial and be tried as though the defendant had been indicted by a grand jury. All officers or magistrates having the powers of justices of the peace in Madison County shall have authority to issue warrants returnable to said court, and it shall be their duty in such cases to forthwith transmit the affidavits, warrants and bonds to the clerk of said court, which causes shall be placed upon the docket and tried in the same manner as if the same had been returned by indictment of a grand jury.

**Section 8.** (a) The Supreme Court, the Court of Civil Appeals, and The Court of Criminal Appeals of this state shall have supervisory jurisdiction over this court in the same manner as over circuit courts. The judges of said court may be removed from office in the same manner as is provided for the removal of circuit judges. The Chief Justice of the Supreme Court of Alabama may when he deems proper, by order spread upon the minutes of said court, designate any circuit judge to hold said court or to try any cause pending in said court.

(b) Vacancies in any office created hereby, unless otherwise provided herein, shall be filled by appointment of the Governor, and persons so appointed shall hold office as required by the Constitution of this state. Provided, however, that any appointment made hereunder by the Governor shall be subject to the provisions of any law or laws which may hereafter be adopted establishing and providing for a Judicial Commission in Madison County.

**Section 9.** (a) Judges of the General Sessions Court of Madison County shall be elected by the qualified electors of Madison County at the general election of 1978 and every six years thereafter. The term shall be for six years, from the first Monday following the second Tuesday in January following

election and until a successor to the office is elected and qualified.

(b) The first judges of the court created hereby shall be the persons holding office as judges of the Madison County Court, and they shall hold office until their successors are elected or appointed and assume office as provided herein. There shall be two judges of the General Sessions Court and the Presiding Judge of the Madison County Court shall become the Presiding Judge of the General Sessions Court until the expiration of his term of office. Thereafter, the judge of the General Sessions Court who has been in office the longer shall preside and if neither has served longer, then the elder judge shall preside, except as otherwise herein provided, it shall be the duty of the Presiding Judge to supervise the administrative functions of the General Sessions Court, but each of the judges of such court shall have authority to direct activities of the General Sessions Court so long as their orders are not in direct conflict.

(c) The judges of the General Sessions Court shall receive an annual salary equal to ninety percent of the total annual compensation paid, by both the State of Alabama and Madison County, to circuit judges in Madison County and said relationship of salaries shall be maintained at all future times. Said salary shall be paid in equal monthly installments from the general fund of Madison County, Alabama, upon warrants drawn by the judges of said court.

The general funds of Madison County shall be liable to pay the reasonable and necessary expenses of the judges of this court incurred in or about the performance of their duties as judges. Such expenses shall include but shall not be limited to: professional association dues, expenses of travel and lodging to and from professional conferences and seminars, and registration fees at such conferences.

(d) Any judge of said court shall be a qualified elector of Madison County, shall be licensed to practice law in the State of Alabama, shall be of the age of 25 years or over, and shall not engage in the practice of law while in office. In addition to the other powers herein provided, the judges of said court shall have the power and authority of magistrates under the laws of the State of Alabama.

(e) The judges of this court shall keep offices in the Courthouse of Madison County, and it shall be the duty of the Madison County Commission of Madison County, Alabama, to provide such offices, and supply the same with necessary furnishings, fixtures, stationery and supplies.

(f) Each judge of the General Sessions Court shall be empowered to appoint a secretary and a bailiff who shall serve at the pleasure of the judge so appointing them. Such secretaries and bailiffs shall be subject to all laws, regulations and procedures pertaining to the Madison County Personnel Board. The Bailiffs so appointed shall be compensated from the general funds of Madison County guidelines of the Madison County Personnel Board, provided however, that the bailiffs of the General Sessions Court shall receive the same compensation as bailiffs of the circuit court of the twenty-third judicial circuit.

**Section 10.** The Presiding Judge of the General Sessions Court shall appoint a qualified person to serve in the office of Clerk of the General Sessions Court. Said clerk shall serve at the pleasure of the Presiding Judge of said court and shall have the powers and discharge the duties which devolve upon clerks of the circuit courts, except in equity cases, and shall be subject to the same pains and penalties with regard to the duties of the office, and shall keep and maintain a seal of said court. Such clerk shall be empowered to collect for the General Sessions Court all fees presently or hereafter provided for courts of limited jurisdiction or county courts. Said clerk shall have the authority to appoint clerical personnel in the same numbers and compensated in the same amounts as those provided for the Madison County Court, and he shall supervise such personnel in the performance of their duties. The compensation of the Clerk of the General Sessions Court shall be the same as that of the Register of the Circuit Court in Madison County.

**Section 11.** All laws pertaining to costs and fees in cases in the Madison County court as provided by the laws of this state shall be applicable to this court.

**Section 12.** All laws heretofore enacted pertaining to the destruction of records of the Madison County Court shall apply in the Court of General Sessions.

**Section 13.** The sheriff of Madison County shall be an officer of said court, and shall execute all processes from said court and make due return thereon, and all processes issued out of said court shall be addressed to any officer of Madison County, Alabama. Whenever requested to do so by either judge, the sheriff or his deputy shall serve all processes of said court, receiving the legal fees therefor for his services.

**Section 14.** All parties against whom judgments have been rendered shall have ten days within which to effect appeals to the circuit court, where, except as herein provided, trial may be had as though the case had been originally brought in the circuit court. In all civil cases of judgment by default the

judge may at his discretion set aside judgment when requested to do so by the defendant within five days after such judgment is rendered. In civil cases when an execution has been issued within twelve months after the rendition of judgment and has not been returned satisfied, an alias execution may be issued thereon at any time within ten years from date of such judgment without a revival of the judgment. When a certificate of judgment has been filed in the office of the probate judge within twelve months from the date of its rendition, execution may issue thereon at any time within ten years from the date of such judgment, whether execution has been previously issued or not, and such recorded judgment shall be a lien on the property of the defendant as provided by law in circuit courts. In all suits brought for minors by their friends in which judgments are obtained and the money or property paid or delivered into court, the said money or property may be paid or delivered to the next friend bringing the suit to be for the use and benefit of the minor, and the said next friend is authorized to receipt the court record or docket for same, which shall be binding on said minor.

**Section 15.** All laws, local or general, in conflict with the provisions of this Act are, in so far as they conflict with the provisions of this Act, hereby repealed.

**Section 16.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 17.** This Act shall take effect on October 1, 1973 and its approval by the Governor, or upon its otherwise becoming law.

Approved September 18, 1973.

Time: 4:00 P.M.

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Act No. 1179                      H. 1822—Hale, Hearn, King, Lutz, Grainger

### AN ACT

RELATING TO COUNTIES HAVING A POPULATION NOT LESS THAN 175,000 NOR MORE THAN 300,000 ACCORDING TO THE MOST RECENT FEDERAL DECENNIAL CENSUS; To amend Title 11, Section 81, Code of Alabama 1940 as recompiled in 1958; to provide for collection of fees in certain misdemeanor cases where defendant pleads guilty.

*Be It Enacted by the Legislature of Alabama:*

Title 11, Section 81, Code of Alabama 1940 as recompiled in 1958 is hereby amended to read as follows:

**Section I.** In all misdemeanor cases for violation of any of the provisions of Title 23 and 36 cognizable in Justice of the Peace Courts, courts created in lieu of Justice of the Peace, County Courts, Inferior Courts, Law and Equity Courts, or Courts of like jurisdiction, where the defendant pleads guilty and no appeal is taken, no fee shall be taxed or collected in said courts for trial, solicitor's fees, or entering judgment in such cases. Provided, however, that the provisions of this Section shall not apply to counties having a population of not less than 175,000, nor more than 300,000, nor to counties having a population of 400,000 or more, according to the last or any subsequent federal census.

**Section II.** All laws and all parts of laws which conflict with this act are hereby repealed.

**Section III.** This act is severable and if any part hereof is held to be unconstitutional, it shall not be construed to affect those parts which remain.

**Section IV.** This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 18, 1973.

Time: 4:00 P.M.

Act No. 1180

H.J.R. 252—Gafford, Boles

# HOUSE JOINT RESOLUTION

## EXPRESSING THE REGRET OF THE LEGISLATURE UPON THE DEATH OF VASSER CALVIN HARTLEY

WHEREAS the Legislature of the State of Alabama notes with regret the passing of Vasser Calvin Hartley; and

WHEREAS Mr. Hartley was a native of Blount County and a retired coal and iron miner and groceryman, and served as councilman for the City of Tarrant for ten years; and

WHEREAS Mr. Hartley was an elder in the Primitive Baptist Church and pastor of three churches and was also active in numerous civic activities including serving as chairman of the Jefferson County Citizens Council; and

WHEREAS the Legislature wishes to honor the memory of such an outstanding citizen of this State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

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the sincere regret of this body and our deep sympathy be extended to the members of the family of Mr. Hartley, and further, that a copy of this resolution be sent to the members of the family of Mr. Hartley.

Approved September 18, 1973.

Time: 4:15 P.M.

Act No. 1181

H.J.R. 237—Turnham, Ellis, Grainger,  
Brassell, Adams

### HOUSE JOINT RESOLUTION

WHEREAS, James Ralph "Shug" Jordan has been head football coach at Auburn University for twenty-two years and has guided his teams to an enviable record of 156 victories during this time; and

WHEREAS, this record Coach Jordan has compiled ranks fourth in the nation in total victories and also ranks him fourth in the nation in winning percentage among active coaches with twenty or more years of service; and

WHEREAS, Coach Jordan is the only active coach in the Southeastern Conference who was coaching in any sport when the SEC was formed in 1933; and

WHEREAS, he has won many honors, including SEC Coach of the Year four times, and was runner-up in 1972 for NCAA National Coach of the Year; and

WHEREAS, his teams have participated in ten bowl games, five of which have taken place in the last five years and one of the most thrilling being the recent Gator Bowl victory over Colorado; and

WHEREAS, Coach Jordan has been far more than "just" a football coach at Auburn, giving of his time and talents throughout the years in any way which would further the institution; and

WHEREAS, his inspired leadership, high sense of morals, devotion to the total development of the individual, and his outstanding professional ethics have touched the lives of thousands, both directly and indirectly; and

WHEREAS, the Auburn University Board of Trustees has unanimously recommended at its meeting on August 23, 1973, that Cliff Hare Stadium be renamed "Jordan - Hare Stadium" in recognition of Coach Jordan's contribution to the University; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that in recognition of the unique contributions of Coach Jordan to the people of Alabama and his outstanding dedication in Auburn University, the stadium be designated, named and known as the Jordan - Hare Stadium.

BE IT FURTHER RESOLVED that copies of this resolution be sent to Mrs. Evelyn Jordan, and to their children, Mrs. Tom Pilgreen, Miss Darby Jordan, and Mr. Ralph Jordan, Jr.

Approved September 18, 1973.

Time: 4:15 P.M.

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Act No. 1182      H.J.R. 278—Bank, Culver, Robertson, Parker  
HOUSE JOINT RESOLUTION

COMMENDING MRS. SADIE DAVIS FOR A JOB "WELL DONE"

WHEREAS Mrs. Sadie Davis retired on August 31, 1973, after dedicated service of 20 years as Clerk of the Tuscaloosa County Court. Mrs. Davis had previously worked for the County of Tuscaloosa for three and a half years; and

WHEREAS this lovely and gracious lady performed her job in a real professional manner. She was highly qualified for her job by reason of education, training and temperament; and

WHEREAS Mrs. Sadie Davis has been personally helpful to many people in Tuscaloosa County and her sound judgment, calm reasoning and skillful direction has steered the Tuscaloosa County Court through many rough seas; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That we commend a gracious southern lady, Mrs. Sadie Davis, for a job "well done" during her many years as Clerk of the Tuscaloosa County Court and we wish her many happy hours of leisure during her retirement years.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Sadie Davis, 505 East 17th Street, Tuscaloosa, Alabama 35401

Approved September 18, 1973.

Time: 4:15 P.M.

Act No. 1183

H.J.R. 75—Collins

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUATION OF THE JOINT COMMITTEE ESTABLISHED BY SJR 97, ACT NO. 382, APPROVED September 5, 1967, and CONTINUED BY SJR 101, Act No. 1046, approved September 12, 1969, and CONTINUED BY HJR 217, Act No. 2418, APPROVED October 1, 1971, TO STUDY THE PROBLEMS OF INTERSTATE AND INTRASTATE HIGHWAY SAFETY GENERALLY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the joint committee established pursuant to SJR 97, Act No. 382, approved September 5, 1967, and continued by SJR 101, Act No. 1046, approved September 12, 1969, and continued by HJR 217, Act No. 2418, approved October 1, 1971, shall continue in existence and shall continue its work as directed in said Act No. 382. The committee shall make a report to the legislature before the 10th legislative day of the next regular session.

BE IT FURTHER RESOLVED, That the committee members shall be entitled to their usual legislative per diem and expenses for attending meetings of the committee which shall be paid from funds appropriated for the payment of the expenses of the legislature and that in no event shall this resolution carry an appropriation of more than \$10,000.

Approved September 18, 1973.

Time: 4:15 P.M.

Act No. 1184

H.J.R. 122—Taylor, Flipppo, Jones (F), Hobbie, Harris, Barron, Jackson, Wise, McCorquodale, Warren, Cauthen, Lutz, Casey, Wallace, Goodwin, Parker, Reynolds, Reid (R), Grey (D), Stewart, Roberts

## HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that Act No. 335, H. 281, Third Extraordinary Session 1971, approved February 10, 1972, be named the Bob Hill Youthful Offender Act.

Approved September 18, 1973.

Time: 4:15 P.M.



Act No. 1185

H.J.R. 174—Drake, St. John, McDonald

HOUSE JOINT RESOLUTION

CHANGING THE NAME OF THE GEORGE C. WALLACE  
TRADE SCHOOL OF CULLMAN COUNTY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the state institution in Cullman, now designated as the George C. Wallace Trade School of Cullman County, shall be hereafter designated and known as the George C. Wallace State Technical Community College.

RESOLVED FURTHER, That this resolution shall take effect upon its approval by the Governor or as otherwise provided in Article 5, Section 125 of the Constitution.

Approved September 18, 1973.

Time: 4:15 P.M.

Act No. 1186

H.J.R. 184—Lyons

HOUSE JOINT RESOLUTION

RECOMMENDING THAT THE LEGISLATURE SEND MRS. RETHA D. WYNOT TO THE 36TH ANNUAL CONVENTION OF THE NATIONAL ORDER OF WOMEN LEGISLATORS TO BE HELD IN SALT LAKE CITY, UTAH AND TO REIMBURSE HER FOR HER ORDINARY AND NECESSARY EXPENSES FOR ATTENDING SAID CONVENTION.

WHEREAS, the Alabama State Legislature is privileged to have among its members a woman legislator, the lovely and gracious lady from Gadsden, Mrs. Retha D. Wynot; and

(WHEREAS, it is the best interest of the State of Alabama to be officially represented at the 36th Annual Convention of the National Order of Women Legislators which has as its basic purpose the discussion of legislative matters of mutual interest to the various states; now therefore,

(BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the lovely and gracious lady from Gadsden, Mrs. Retha D. Wynot, be appointed Alabama's official delegate to the 36th Annual Convention of the National Order of Women Legislators to be held September 9-13, 1973 in Salt Lake City, Utah and that she be reimbursed for her ordinary and necessary expenses in attending this important convention from the

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funds appropriated to the use of the Alabama Legislature upon the certificate of the Clerk of the House.

Approved September 18, 1973.

Time: 4:15 P.M.

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Act No. 1187

H.J.R. 191—Barkett

HOUSE JOINT RESOLUTION

MEMORIALIZING CONGRESS TO SUBMIT TO THE FIFTY STATES A PROPOSED CONSTITUTIONAL AMENDMENT TO REQUIRE THAT ALL FEDERAL JUDGES WHO ARE APPOINTED FOR LIFE MUST BE PERIODICALLY RE-CONFIRMED BY THE UNITED STATES SENATE.

WHEREAS the appointment of federal judges for life tenure have oftentimes resulted in a man being placed in a high federal judgeship who is irresponsible and not suited for the office; and

(WHEREAS there needs to be some procedure whereby this republic may be safeguarded from such irresponsible persons holding high federal office; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING: That the United States Congress is hereby memorialized to submit to the fifty states of this republic a proposed Constitutional Amendment to the United States Constitution to require that all federal judges who are appointed for life be periodically re-confirmed by the United States Senate every ten years in order to continue holding their office.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to all members of the United States House of Representatives and the United States Senate.

Approved September 18, 1973.

Time: 4:15 P.M.

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Act No. 1188

H.J.R. 193—Lyons

HOUSE JOINT RESOLUTION

TO DESIGNATE U.S. HIGHWAY 90 FROM BATTLESHIP PARKWAY TO MISSISSIPPI LINE AS HISTORIC MOBILE PARKWAY

WHEREAS, U.S. Highway 90 in Mobile County is one of the oldest highways in the nation; and

WHEREAS, this highway extends through the heart of historic downtown Mobile, and connects with Battleship Parkway and leads to other highways connecting with Baldwin County's many other tourist attractions; and

WHEREAS, along this highway may be found the remains of Fort Conde, one of the first permanent settlements on the Gulf of Mexico which later became the City of Mobile, as well as other tourist attractions such as the Mobile International Speedway; Barton Academy, Alabama's first public school; the Azalea trail; the City Hall, formerly the city market and militia armory; Admiral Ralphael Semmes home; and

WHEREAS, U.S. Highway 90 is the major street connecting the historic streets downtown where gas lights, historic buildings and land marks dating back to the early 1800's are still standing in their "Old South" splendor; and

WHEREAS, the flavor and style of Old Mobile has combined with modern day conveniences to make present day Mobile a pleasure stop for any visitor; and

WHEREAS, newly constructed Interstate 10 now leads many tourists past Mobile into neighboring states and deprives them of the splendor and charm that is Mobile, Alabama; and

WHEREAS, many vacationing motorists are not aware of the pleasures and educational advantages awaiting them in this fine Southern city; and

WHEREAS, it is hereby proposed that U.S. Highway 90 be designated as *Historic Mobile Parkway* for the purpose of availability of signing and informing the public of the advantages awaiting them along this historic route; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING that the portion of U.S. Highway 90 from its connection with Battleship Parkway and extending west to the Mississippi State line be named, designated and known as Historic Mobile Parkway.

RESOLVED FURTHER, That the State of Alabama Highway Department shall cause appropriate markers to be erected along the route of said Parkway so designating its name and historic significance.

Approved September 18, 1973.

Time: 4:15 P.M.

Act No. 1189

H.J.R. 198—Turner, Cottingham

## HOUSE JOINT RESOLUTION

CHANGING THE NAME OF VALLEY CREEK STATE PARK TO PAUL M. GRIST STATE PARK.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the

WHEREAS Paul M. Grist of Selma has exemplified the characteristics of Christian leadership in his unselfish devotion to others; and

WHEREAS Paul M. Grist has served as Y.M.C.A. Secretary for 45 years; and

WHEREAS Paul M. Grist built and directed Y.M.C.A. Camp McGee on Dallas County Lake which operated from 1923 to 1938; and

WHEREAS Paul M. Grist built Y.M.C.A. Camp Grist on Dallas County Lake in 1940; and

WHEREAS Paul M. Grist achieved pre-eminence in two of the most soul-satisfying areas granted to man: His service to, and imprint upon thousands of American Youth, and his exemplification of "the teachings of Christianity"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the name of Valley Creek State Park on Dallas County Lake be changed to Paul M. Grist State Park in honor of Paul M. Grist and his life of unselfish devotion to the benefit of others.

Approved September 18, 1973.

Time: 4:15 P.M.

Act No. 1190

H.J.R. 200—Lyons

## HOUSE JOINT RESOLUTION

AUTHORIZING TWO MEMBERS FROM BOTH THE HOUSE AND SENATE COMMITTEES ON INSURANCE TO ATTEND THE ANNUAL MEETING OF THE CONFERENCE OF INSURANCE LEGISLATORS IN ATLANTA.

WHEREAS the Conference of Insurance Legislators' Annual Meeting will be held October 21-24, 1973, in Atlanta; and

WHEREAS it would be of great benefit to the House and Senate Committees on Insurance for certain of their members to attend said conference and report back on major insurance issues; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the presiding officer of both the House and the Senate may appoint two members each from the Committee on Insurance of their respective house to attend the annual meeting of the Conference of Insurance Legislators in Atlanta to be held October 21-24, 1973

BE IT FURTHER RESOLVED, That all reasonable and necessary expenses incurred by said members in attending said meeting will be paid out of any funds appropriated to the use of this Legislature.

Approved September 20, 1973.

Time: 4:15 P.M.

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Act No. 1191

H.J.R. 211—Harris, Bank, Lyons

### HOUSE JOINT RESOLUTION

#### REQUEST TO RESTORE VETERANS DAY TO NOVEMBER 11TH

WHEREAS, the date November 11, 1918 has a place in the heart of every veteran who served in the Armed Forces of this country; and

WHEREAS, for nearly fifty years on this date of November 11th the Nation halted and paid homage to the men and women of ALL wars who have defended this country for nearly 200 years, and Alabama is recognized over the entire nation as being one of the foremost states in rendering these honors; and

WHEREAS, the Congress of the United States, some years back, changed the date of Veterans Day to an unknown and meaningless Monday in October; and

WHEREAS, the Legislatures of some 26 states of the Union, have gone on record as returning the observance of Veterans Day to November 11th, or by resolution have requested the Congress of the United States to do so; and

WHEREAS, the State of Alabama — one of the most loyal and patriotic states in the Nation — should be in the

forefront of the effort to have U. S. Congress restore Veterans Day to November 11th; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Congress of the United States be requested to immediately return Veterans Day to its rightful date of November 11th.

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to members of the Congressional Delegation of the State of Alabama.

Approved September 18, 1973.

Time: 4:15 P.M.

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Act No. 1192      H.J.R. 235—Gray (F), Reed (T), Waldrop, Smith (P), Lyons, Edwards, Chesnut, Wynot, Downing, Bank, Barkett, Cauthen, Adams, Snell, Kinsey, Coshatt, Smith (K), May, Grainger, Robertson, Owens, Jones (F), Taylor, Culver, Parker, Boutwell, Stokes, Manley, Weeks, Doss, McNair

# HOUSE JOINT RESOLUTION

## URGING CONGRESSIONAL ENACTMENT OF LEGISLATION ESTABLISHING THE TUSKEGEE INSTITUTE NATIONAL HISTORICAL PARK

WHEREAS, There is now pending in both Houses of the United States Congress, bills which would establish the Tuskegee Institute National Historical Park, on and around the grounds of that renowned educational institution at Tuskegee, Alabama; and

WHEREAS, Representative Bill Nichols of Alabama has introduced said bill in the United States House of Representatives, and Senators John Sparkman and Jim Allen have introduced said bill in the United States Senate, and said bills have been supported by many other Congressmen; and

WHEREAS, Section I of said bill reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the Congress finds Tuskegee Institute, Tuskegee, Alabama to be of national importance in illustrating the advancement of education for black Americans under the leadership of such men as Booker T. Washington its founder, and George Washington Carver, the noted agricultural scientist.

Therefore, in order to preserve and interpret to the public the historic properties at and near Tuskegee Institute, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish the Tuskegee Institute National Historical Park. The park shall be comprised of those lands and buildings on or adjacent to the Tuskegee Institute campus that the Secretary, in his discretion, deems to be of historical and cultural significance. The Secretary shall establish the park by publication of a notice to that effect in the Federal Register, when he deems it advisable.

WHEREAS, The Legislature of Alabama issued a Charter to Tuskegee Institute in 1881, and has since encouraged and assisted its development and growth by making annual appropriations to it, and takes pride in its accomplishments; and

WHEREAS, Tuskegee Institute's outstanding achievements in the fields of education, agriculture, vocational education, health care, veterinary medicine, and in the development of human resources, have greatly contributed to the progress and prosperity of the State of Alabama, and the nation; and

WHEREAS, The establishment of the Tuskegee Institute National Historical Park would be a most appropriate recognition of the rich legacy of its illustrious founder, Dr. Booker T. Washington, and its noted agricultural scientist, Dr. George Washington Carver; and

WHEREAS, It is in the best interest of the State of Alabama, and its residents, if the pending legislation in Congress should pass, and Congress would establish the Tuskegee Institute National Historical Park,

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That the Alabama Legislature duly note the contributions of Tuskegee Institute to the State of Alabama, and to the nation, and applaud the United States Congress in its endeavors to establish the Tuskegee Institute National Historical Park.

BE IT FURTHER RESOLVED, That the Legislature of Alabama urges the Congress to pass said bills establishing the Tuskegee Institute National Historical Park, and particularly urge the Alabama Congressional Delegation to assist in the passage of this legislation.

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BE IT FURTHER RESOLVED, That copies of this Resolution be sent to the following persons:

Honorable Bill Nichols, United States Representative, Alabama

Honorable John Sparkman, United States Senator, Alabama

Honorable Jim Allen, United States Senator, Alabama

All other members of the Alabama Congressional Delegation

All members of the "Committee on Interior and Insular Affairs" of the United States House of Representatives.

Approved September 18, 1973.

Time: 4:15 P.M.

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Act No. 1193

H.J.R. 239—Lyons

#### HOUSE JOINT RESOLUTION

CHANGING THE NAME OF THE ALABAMA HIGH SCHOOL OF THE FINE ARTS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the state institution now designated as the Alabama High School of the Fine Arts, created by Act No. 1203, H. J. R. 145, Regular Session, 1971 (Acts 1971, p. 2089), shall be hereafter designated and known as the Alabama School of Fine Arts.

RESOLVED FURTHER, That this resolution shall take effect upon its approval by the Governor or as otherwise provided in Article 5, Section 125 of the Constitution.

Approved September 18, 1973.

Time: 4:30 P.M.

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Act No. 1194

H.J.R. 240—Lyons

#### HOUSE JOINT RESOLUTION

CLARIFICATION OF LEGISLATIVE INTENT CONCERNING SALARY INCREASES FOR CERTAIN TEACHERS

WHEREAS, the Legislature has passed and the Governor has signed the Education Appropriation Bill, Senate Substitute for the Ways and Means Committee Substitute for H.B. 322, and



WHEREAS, the Act states, "It is provided that beginning with the fiscal year 1973-74, that in addition to the salary now received, and all other increments due, all teachers under the Minimum Program shall receive a salary increase as follows: Rank I teachers not less than one thousand one hundred and sixty dollars (\$1,160.00) per annum; Rank II teachers not less than one thousand dollars (\$1,000.00) per annum; Rank III teachers not less than eight hundred eight dollars (\$808.00 per annum; Rank IV teachers not less than six hundred eight-one dollars (\$681.00) per annum; teachers holding Rank AA Certificates shall be paid six hundred dollars (\$600.00) per annum above the total amount paid to Rank I teachers with like experience; and any city or county board of education failing to comply herewith shall not be entitled to participate in the Minimum Program Fund," and

WHEREAS, the wording in the Act could possibly leave some question as to the intent of the Legislature concerning the increases for beginning or first-year teachers:

NOW, THEREFORE, BE IT RESOLVED by the Legislature, both Houses thereof concurring, that it is the intent of the Legislature that beginning teachers in the 1973-74 school year be given the raises applicable to their respective ranks over the amounts paid beginning teachers during the 1972-73 school year.

Approved September 18, 1973.

Time: 4:30 P.M.

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Act No. 1195     H.J.R. 251—Smith (P), Doss, Connell, Barkett, Drake, Mims, Hobbie, Wallace, Cross, Porter, Perloff, Callahan, Warren, Agee, Chesnut, Wise, Benton, Hardin, Culver, Timmons, McNair, Erdreich, McMillan, Edwards, Lang, Naramore, Grainger, Carter, Lyons, Roberts, Smith (K)

### HOUSE JOINT RESOLUTION

Whereas, cattle rustling has reached alarming proportions in Alabama and is increasing at a rapid rate, causing some communities to become armed camps, and spreading fear and threats of economic disaster to many state cattlemen; and,

*Whereas*, enforcement officers in the Department of Conservation and Natural Resources are in a singular position to

help other law enforcement officers prevent cattle rustling and prosecute offenders; and,

*Whereas*, some conservation officers already are assisting in the fight against cattle rustling on an informal, local basis, such assistance being of great value;

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

That, we urge the Alabama Department of Conservation and Natural Resources to institute a formal, state-wide program through its enforcement officers of cooperating in the fight to prevent cattle rustling.

Approved September 18, 1973.

Time: 4:30 P.M.

Act No. 1196

H.J.R. 219—Merrill, Stewart, Burgess

#### HOUSE JOINT RESOLUTION

OPPOSING THE CLOSING OF THE MILITARY BASE AT FORT MCCLELLAN

WHEREAS the announced decision that a study is being made to consider the closing of Fort McClellan at Anniston, Alabama has come as a distinct shock to the citizens of this state and particularly to the people of the Anniston area; and

WHEREAS strong local support has always been given to the military forces at Fort McClellan since, when with the declaration of war with Germany in 1917, the War Department was rapidly surveying the country for possible camp sites, the citizens of Anniston patriotically underwrote additional funds in the amount of \$136,000 necessary to compensate owners of crops planted on the desired site, an obligation which cost the citizens of Anniston much anxiety and hard work and was not paid off until 1934; and

WHEREAS the unusually favorable climate of Anniston, the high caliber civilian personnel, including master craftsman available for employment at the Fort and the economic, civic, social and cultural contributions of the military have resulted in a closely interwoven relationship of mutual respect between Fort McClellan personnel and the citizens of Anniston, a fact which is attested to by the large number of military retirees and five of the six past commanding officers of Fort McClellan who have chosen to make Anniston their permanent home; and

WHEREAS the consideration of any plan to close Fort McClellan is a particularly severe blow in view of the fact that Fort McClellan was the home of the WACs and that plans were in the making to double the WAC strength by 1976, and that plans and expenditures have already been made in reliance upon the anticipated move of the Military Police School to Fort McClellan with the expected base strength to be 10,051, including some 8,851 military and 1,200 civilians by 1975; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully request the Army to study thoroughly and evaluate carefully the many advantages of keeping its installation at Fort McClellan open and activated to its fullest capacity and that all plans to close its facilities at that place be definitely abandoned as soon as possible.

BE IT FURTHER RESOLVED That copies of this resolution be sent to the following:

The Honorable Howard H. Callaway  
Secretary of the Army  
Department of the Army  
Washington, D. C. 20310

General Creighton Abrams  
Chief of Staff  
Department of the Army  
Washington, D. C. 20310

RESOLVED FURTHER That copies of this resolution also be sent to Senators John Sparkman and James Allen and to each member of the Alabama delegation in the House of Representatives of the United States Congress, with the urgent request that each such officer do everything in his power which is necessary and appropriate to maintain the military facilities at Fort McClellan and to prevent the closing of its base of operations.

Approved September 18, 1973.

Time: 4:30 P.M.

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Act No. 1197                      H. 1048—Erdreich, Timmons, Falkenburg,  
Boutwell, Doss, Weeks, McBride,  
McMillan, Dill, Adwell, McNair

# AN ACT

Relating to a system of accounting reporting for counties having

populations of 600,000 or more according to the most recent federal decennial census; providing for publication of accounting information by all local units of government in such counties; to establish what such information should include; to set a date for the commencement of such reporting system; to provide that reports be made by auditors and examiners as to compliance with such system; to provide methods for enforcement of such reporting and compliance with such reporting system, and for penalties for lack of compliance.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** It is hereby determined and declared that in all counties having a population of 600,000, or more, according to the last or any subsequent federal decennial census, it is in the interest of the general welfare due to the complexity of governmental organization and population concentration served by governmental units therein to provide uniform reporting accessible to the citizens thereof of the accounts for all county and municipal governmental units in said counties; that the compilation and systematic publication of the accounting of all governmental units in said counties will aid efficiency of governmental operations and will provide access of the citizens thereof to the revenues and expenditures pertaining to their government; that such a system of accounting reporting will safeguard the public interest; and that the enactment of the provisions of this Act is hereby declared to be a public necessity.

**Section 2.** In all counties having a population of 600,000 or more according to the last or any subsequent federal decennial census, each local unit of government shall cause to be published commencing with the beginning of fiscal year 1974-1975, annual reports containing such accounting information as shall be required herein. Local units of government shall include county and municipal governments, school districts, and all authorities, agencies and boards which function independently of general governments within said counties.

**Section 3.** Such reports shall itemize revenue by sources, including but not be limited to, the following categories: (1) intergovernmental transfers (federal, state, county, inter-local), (2) revenue from own sources (local tax revenues, non-tax revenues), (3) utility revenues, (4) insurance and trust fund revenues; and expenditures by programs, including but not be limited to, the following categories: (a) governmental administration, (b) police protection, (c) fire protection, (d) education, (e) health and welfare, (f) sanitation, (g) streets, bridges and roads, (h) transportation, (i) debt service, (j) parks and recreation, (k) libraries, and (l) courts.

**Section 4.** The reports to be prepared and filed by this Act shall conform to the following:

2010

REVENUES BY SOURCES  
(Name of City)

year                      year                      year

INTERGOVERNMENTAL  
TRANSFER

United States Government  
Revenue Sharing  
Federal Grants  
Other

State of Alabama  
State Shared Gasoline Tax  
State Liquor Store Profits  
Financial Institutions  
Excise Tax  
Automobile License  
Other

\_\_\_\_\_ County

Ad valorem Taxes  
Licenses  
General Sales Tax  
Selective Sales Tax  
Gasoline  
Beer  
Tobacco  
Other  
Commissions, Fees  
& Permits

REVENUE FROM OWN  
SOURCES

Local Tax Revenue  
Licenses  
General Sales Tax  
Selective Sales Tax  
Gasoline  
Beer  
Tobacco  
Other

Non-tax Revenues  
Fines and forfeitures  
Utilities Revenue  
Charges for Service  
Interest  
Other

UTILITY REVENUES

\_\_\_\_\_

2011

INSURANCE & TRUST  
FUND REVENUES

OTHER

TOTAL REVENUE

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

REVENUES BY SOURCES  
(Name of County)

year                      year                      year

INTERGOVERNMENTAL  
TRANSFERS

United States Government  
Revenue sharing  
Federal grants  
Other

State of Alabama  
State shared gasoline tax  
State liquor store profits  
Financial institutions  
excise tax  
Automobile license  
Other

Municipalities

Local taxes  
ad valorem tax  
general sales tax  
selective sales tax  
gasoline  
beer  
tobacco  
other  
licenses, fees and permits  
other

REVENUE FROM OWN  
SOURCES

Local Tax Revenues  
Ad valorem taxes  
Licenses  
Selective sales taxes  
gasoline  
beer  
tobacco  
other  
Commissions, fees and  
permits  
Sewer service charges

2012

Courts  
    criminal  
    civil  
    probate  
County home  
Interest  
Other  
Less payments to State of  
    Alabama  
Non-tax Revenues  
    Fines and forfeitures  
    Utilities revenue  
    Charges for services  
    Interest  
    Other  
UTILITY REVENUES  
INSURANCE AND TRUST  
    FUND REVENUES  
OTHER  
Total Revenue

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
\$_____	\$_____	\$_____
_____	_____	_____

EXPENDITURES BY  
PROGRAMS  
(Name of City or County)  
year                      year                      year

GOVERNMENTAL  
ADMINISTRATION  
    salaries  
    employee costs (pension, so-  
        cial security, insurance,  
        longevity, etc.)  
    fees (consultants, attor-  
        neys, etc.)  
    operating expense (utilities,  
        supplies mileage, auto  
        maintenance, etc.)  
    capital outlay  
    unexpended funds  
    other  
POLICE PROTECTION  
    salaries  
    employee costs  
    fees

2013

operating expense  
capital outlay  
unexpended funds  
other

#### FIRE PROTECTION

salaries  
employee costs  
fees  
operating expense  
capital outlay  
unexpended funds  
other

#### EDUCATION

salaries  
employee costs  
fees  
operating expense  
capital outlay  
unexpended funds  
payment to school board  
other

#### HEALTH AND WELFARE

salaries  
employee costs  
fees  
operating expense  
capital outlay  
unexpended funds  
payment to County Health  
Department  
other

#### SANITATION

salaries  
employee costs  
fees  
operating expense  
capital outlay  
unexpended funds  
other

#### STREETS, BRIDGES AND DROADS

salaries  
employee costs  
fees  
operating expense



2014

capital outlay  
unexpended funds  
other

**TRANSPORTATION**

salaries  
employee costs  
fees  
operating expense  
capital outlay  
unexpended funds  
payment to transit authority  
other

**DEBT SERVICE**

Principal  
Interest and debt expense  
other

**PARKS AND RECREATION**

salaries  
employee costs  
fees  
operating expense  
capital outlay  
unexpended funds  
other

**LIBRARIES**

salaries  
employee costs  
fees  
operating expense  
capital outlay  
unexpended funds  
other

**COURTS**

salaries  
employee costs  
fees  
operating expense  
capital outlay  
unexpended funds  
other

**OTHER**

_____	_____	_____
_____	_____	_____
\$ _____	\$ _____	\$ _____
\$ _____	\$ _____	\$ _____
_____	_____	_____

**TOTAL REVENUE**

**Section 5.** The county treasurer of said county, after the initiation of the system of accounting reporting to be established under the provisions of this Act, shall gather and publish, no less than annually, comparable data from the local units of government of the county. Said publication shall contain a summarization comparing said data by figures or chart and shall be made available to the elected officials of said county and all citizens thereof.

**Section 6.** Any auditors, accountants, or examiners required by law to examine the accounts, books or records of any local unit of government within said county, shall include in any report required to be made by such auditor, accountant, or examiner a statement of the degree of compliance by such governmental unit with the system of accounting reporting to be established under the provisions of this Act, and shall send a copy of such report in its entirety to the county treasurer of said County.

**Section 7.** Where there is evidence of lack of compliance with the provisions of the accounting reporting system to be established under the provisions of this Act, the county treasurer of the county may petition the Circuit Court for an order to obtain compliance with the provisions of this Act, which shall include, but not be limited to, the aid of court to compel the attendance of witnesses and production of papers relating to the audit, accounts, books, or records of the governmental unit which has failed to comply with the provisions of this Act. The District Attorney or Circuit Solicitor shall render to the said Court, without additional compensation, such legal services as he may request in order to enforce the provisions of this Act.

**Section 8.** Any resident citizen of a local unit of government in which a violation of this Act occurs may file a written sworn petition, stating the ground upon which failure to comply with this Act is based, requesting the county treasurer of said county to obtain compliance with this Act. Should the county treasurer fail to obtain compliance within thirty days after receipt of said petition, or to bring suit therefor, the resident citizen may institute an action against said local unit of government in the Circuit Court of said county to obtain compliance with this Act.

**Section 9.** Failure to comply with the provisions of this Act by any officer or employee of any local unit of government covered by this Act shall constitute a misdemeanor.

**Section 10.** The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

**Section 11.** This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 18, 1973.

Time: 4:15 P.M.

Act No. 1198

S.J.R. 118—Givhan

# SENATE JOINT RESOLUTION

## MOURNING THE DEATH OF JAMES W. OAKLEY, SR.

WHEREAS, the history of our state and nation are filled with accounts of the heroic and selfless deeds of men and women of all walks of life; and

WHEREAS, no servant of the people gave so much of himself for his family, his community, his state and his nation as did James W. Oakley, Sr.; and

WHEREAS, James W. Oakley, Sr. at an early age realized the personal satisfaction of supporting himself and of helping to support his family; and

WHEREAS, at the age of 16, he purchased The Centreville Press, a weekly newspaper in Bibb County, from his father; and

WHEREAS, during his early years with the newspaper, he was faced with the matter of survival itself; and

WHEREAS, because of such, he learned the art and the nuance of negotiation and compromise, which was to serve him so well in his later life; and

WHEREAS, his newspaper experience brought him into daily contact with the citizens of Centreville and Bibb County, both of the private and the public sector; and

WHEREAS, through these contacts and through exemplification of an inborn desire to always be upright and honest in his dealings with his fellowman; and

WHEREAS, in 1936, his peers recognized the sincerity of the young Oakley in his efforts to serve all the people of his area and elected him to the Council of the City of Centreville; and

WHEREAS, his work as a public servant equaled his work as a journalist and was recognized abroad in the community; and

WHEREAS, James W. Oakley, Sr. was elected Mayor of the City of Centreville in 1957 and served in that post until his death on October 1, 1972; and

WHEREAS, the journalist-politician was ever diligent in upholding the finest ideals of both professions; and

WHEREAS, he unceasingly devoted himself to solving the needs of his community, using both his office as Mayor and his position as Publisher, to bring to light both the abuse of power and the joy of unselfish public service, where either existed; and

WHEREAS, he was a devoted father and husband and, as such, believed in the strength of a God-fearing family; and WHEREAS, a life-long faith in God and the tenets of the New Testament led him to support vigorously his church and its programs;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that their members do hereby mourn the death of James W. Oakley, Sr. and extend to his family their sincerest sympathy; and

BE IT FURTHER RESOLVED that the members of the James W. Oakley, Sr. family and of the press of Alabama be notified of the passage of this resolution and that a copy of it be provided to each as appropriate.

Approved September 18, 1973.

Time: 4:30 P.M.

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Act No. 1199

S.J.R. 119—Bailes, Vacca, Dominick, King,  
Gilmore, Hawkins

### SENATE JOINT RESOLUTION

#### MOURNING THE DEATH OF FRANK P. SAMFORD

WHEREAS Frank P. Samford, Sr. passed away at Birmingham, Alabama at the age of 75; and

WHEREAS Mr. Samford was a leading businessman and philanthropist in Jefferson County; and

WHEREAS Samford University was named for him; and

WHEREAS he was a native of Troy, earned a B.S. degree from Auburn University; and

WHEREAS his first insurance job was with the Manhattan Life Insurance Company which he left in 1915 when the Insurance Department of the State of Alabama was created and he took the job as first deputy insurance commissioner with this department. Six years later he was elected secretary-treasurer of Liberty National Life Insurance Company and worked his way up to chairman of the board in 1960; and

WHEREAS Mr. Samford will be greatly missed by his fellow citizens in Jefferson County and throughout the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do pass this resolution as a memorial to the life of this outstanding man.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the members of his family.

Approved September 18, 1973.

Time: 4:30 P.M.

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Act No. 1200

S.J.R. 120—Edington

### SENATE JOINT RESOLUTION

#### OBSERVING THE 10th ANNIVERSARY OF THE USS ALABAMA BATTLESHIP COMMISSION

WHEREAS, The 11th day of September 1973 marks the 10th anniversary of the establishment of the USS Alabama Battleship Commission; and

WHEREAS, Subsequent to such establishment the battleship USS ALABAMA (BB-60) was transferred by the Department of the Navy of the United States to the State of Alabama and towed from its moorings at Bremerton, Washington to the Port of Mobile where it is permanently enshrined as a living memorial to the Alabamians who so valiantly participated in World War II, the Korean Campaign and subsequent United States military engagements; and

WHEREAS, the submarine (USS DRUM (SS-228) was similarly acquired and towed to Mobile; and

WHEREAS, Appropriate displays have been placed in Battleship Alabama Memorial Park by each of the Armed Services of the United States; and

WHEREAS, During the time that the USS ALABAMA (BB-60) and the USS DRUM (SS-228) have been enshrined at Mobile, these significant vessels have been professionally restored to and have been maintained in superb condition; and

WHEREAS, Over two and one-half million persons have visited these ships and the other displays located on Battleship Alabama Memorial Park; and

WHEREAS, The acquisition of the vessels and displays and the construction and improvement of said 75 acre park have been accomplished through voluntary donations and the judicious use of admission fees, all without cost to the State of Alabama; now therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That the Chairman, Hon. Henri M. Aldridge; the Secretary, Hon. Stephens G. Croom; the former Executive Director, Vice-Admiral William V. Davis, Jr., USN (Retired); the present Executive Director, Captain Frank H. Brumby, Jr., USN (Retired); all other present and former members of the Commission and all present and former employees of the Commission, ought to be and the same are hereby commended for their outstanding service to the State of Alabama and for a job "WELL DONE."

BE IT FURTHER RESOLVED, That copies of this resolution be presented to the following: Hon. Henri M. Aldridge Hon. Stephens G. Croom Vice-Admiral William V. Davis, Jr., USN (Retired) Captain Frank H. Brumby, Jr., USN (Retired)

Approved September 18, 1973.

Time: 4:30 P.M.

Act No. 1201

S.J.R. 122—Weaver

### SENATE JOINT RESOLUTION

COMMENDING MR. Otis R. Burton upon his retirement as Tax Collector of Talladega County.

WHEREAS, Mr. Otis R. Burton is retiring as Tax Collector of Talladega County after 30 years of distinguished service to that office; and

WHEREAS, Mr. Burton has lived in the City of Talladega for most of his life, and is a member and deacon of the First Baptist Church of Talladega; and

WHEREAS, Mr. Burton is a veteran of World War I and active in the American Legion; and

WHEREAS, Mr. Burton is a Shriner and a Thirty-Second Degree Mason and a member of the Kiwanis Club; and

WHEREAS, Mr. Burton is the father of Mr. Otis R. Burton, Jr., and the proud grandfather of three fine grandchildren; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it does heartily commend Mr. Otis R. Burton for his service as Tax Collector of Talladega County and wishes him a most successful and happy retirement from that office.

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall send a copy of this resolution to Mr. Otis R. Burton.

Approved September 18, 1973.

Time: 4:30 P.M.

Act No. 1202

S. 107—Littleton

### AN ACT

To further amend Act No. 533, Acts of Alabama, 1957 Regular Session, page 750, entitled "An Act to create a Board to be known as the State Board of Registration for Foresters; to provide for the qualification of members of said Board; to provide for the appointment of the members of said Board; to provide for their terms of office; to provide for the organization of said Board; to provide for the powers and duties of said Board; to provide for the registration of Foresters; to provide for the recording of licenses; to provide for the definition of the practice of Forestry; to provide for the revocation of licenses; to provide for fees for the issuance and recording of such licenses; to provide for reciprocity; to create a special fund to be known as the "Professional Foresters Fund," and to regulate expenditures therefrom; to repeal all laws in conflict with this Act; and to make an appropriation," as amended by Act No. 141, Acts of Alabama, 1961 Special Session, page 2082, and by Act No. 1051, Acts of Alabama, 1969 Regular Session, page 1965.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** That Section 1 of Act No. 533, Acts of Alabama, 1957 Regular Session, page 750, as heretofore amended, is further amended to read as follows:

"Section 1. GENERAL PROVISIONS: In order to benefit and protect the public, no person in either public or private capacity shall practice or offer to practice Forestry, unless he

shall first have submitted evidence that he is qualified so to practice and shall be registered by the Board as hereinafter provided or unless he is specifically exempted from registration under the provisions of this Act. It shall be unlawful for any person to practice or offer to practice in this State, Forestry, as defined by the Act, or to use in connection with his name or otherwise assume, use, or advertise any title or description tending to convey the impression that he is a Forester, unless such person has been duly registered or is exempt from registration under the provisions of this Act.

"This Act shall not be construed to prevent or to affect:

(a) The practice of any other legally recognized profession or trade.

(b) The application of Forestry principles and procedures on any timberlands, woodlands or forest in which any person, firm, partnership or corporation owns an interest; or persons, firms, partnerships and corporations having the right to manage and administer forestlands in any legal manner.

(c) The work of an employee or a subordinate of any *Forester* holding a license under this Act, provided such work is done under the direction, supervision, and responsibility of a person holding a license under this Act.

(d) The practice of *Forestry* by officers and employees of the *United States* government on federally-owned lands.

(e) The practice of *Forestry* by officers and employees of the *State of Alabama* on state-owned lands.

(f) Employees of the Federal Government and educational institutions of the State of Alabama who, in the exercise of their assigned duties, conduct Forestry education programs and/or provide *free* Forestry advice and assistance to timberland owners."

**Section 2.** That Section 2 of Act No. 533, Acts of Alabama, 1957 Regular Session, page 750, as heretofore amended, is further amended to read as follows:

"Section 2. **DEFINITIONS:** As used in this Act, the following words and terms shall have the following meanings:

(a) "*Forester*" or "*Registered Forester*" means a person who, by reasons of his knowledge of the natural sciences, mathematics, economics and the principles of Forestry and by his demonstrated skills acquired through professional Forestry education and professional Forestry experience as interpreted by the Board is qualified to engage in the practice of Forestry



*and who also has been duly registered and holds a current valid license issued by the Board.*

(b) *"Practice of Forestry" means any professional service such as consultation, investigation, evaluation, planning or responsible supervision as interpreted by the Board of any Forestry activities in connection with any public or private lands wherein the public welfare and property are concerned or involved when such professional service requires the application of Forestry principles and data; and the application, teaching, investigation or administration of Forestry theories, principles, practices, or programs directly or indirectly related to the environmental and economic use and the biological and ecological understanding of gross areas of land in public or private ownership and/or direction and supervision over persons engaged in the formation and/or implementation of such Forestry policies.*

(c) *"Board" means the "State of Board of Registration for Foresters."*

**Section 3.** That Section 5 of Act No. 533, Acts of Alabama, 1957 Regular Session, page 750, is hereby amended to read as follows:

**"Section 5. COMPENSATION AND EXPENSES OF BOARD MEMBERS:** Each Member of the Board shall receive a nominal sum of \$25.00 per diem when actually attending to the work of the Board or any of its committees and for the time spent in necessary travel, and in addition thereto, shall be reimbursed for all actual traveling, incidental and clerical expenses necessarily incurred in carrying out the provisions of this Act. Such compensation and expenses shall be paid out of the "Professional Foresters Fund" in the manner prescribed herein."

**Section 4.** That Section 8 of Act No. 533, Acts of Alabama, 1957 Regular Session, page 750, is hereby amended to read as follows:

**"Section 8. POWERS OF THE BOARD:** The Board shall have the power to make all bylaws and rules, not inconsistent with the constitution and laws of this State which may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it. The Board shall adopt and have an official seal. In carrying into effect the provisions of this Act, the Board may, under the hand of its Chairman and the seal of the Board, subpoena witnesses and compel their attendance and may also require them to produce books, papers, maps or documents. Any member of the Board may administer oaths of affirmation to witnesses appearing before the

Board. Such witnesses officially called by the Board shall receive the same compensation and shall be reimbursed for expenses in the same amount as the members of the Board as provided and set out in Section 5 of this Act. If any person shall refuse to appear as a witness before said Board, or refuse to testify, or refuse to produce any books, papers, or documents, the Board may present its petition to the Circuit Court of the county in which the State Capitol is located, setting forth the facts, and thereupon such court shall, in a proper case, issue a subpoena to such person, requiring his attendance before such Circuit Court and there to testify or to produce such books, papers and documents, as may be deemed necessary and pertinent by the Board. Any person failing or refusing to obey the subpoena or order of said Circuit Court may be proceeded against in the same manners as for refusal to obey any other subpoena or order of said court. *The Board is empowered to apply for relief by injunction, without bond, to restrain any person, partnership or corporation from the commission of any act which is prohibited by this Act. Application for said injunction may be made to the Circuit Court of Montgomery County, Alabama, or the Circuit Court of the county in which it is alleged that the violation is occurring. The members of the Board shall not be personally liable for instituting any such proceedings.*

**Section 5.** That Section 12 of Act No. 533, Acts of Alabama, 1957 Regular Session, page 750, as heretofore amended, is further amended to read as follows:

**Section 12. GENERAL REQUIREMENTS FOR REGISTRATION:** The following shall be considered as minimum evidence satisfactory to the Board that the applicant is qualified *to practice Forestry and to be registered as a Forester:*

*Graduation from a curriculum in Forestry of four years or more in a school or college approved by the Board or accredited by the Society of American Foresters, and passage of a written and/or oral examination designed to show the knowledge and skill obtained through graduation from said school or college and who, in addition to said educational and examination requirements, has a specific record of an additional two (2) years or more of experience in the practice of Forestry of a nature satisfactory to the Board and indicating that the applicant is competent to practice Forestry. The Board shall issue licenses only to those applicants who meet the requirements of this section and to none others, provided that no person shall be registered as a Forester who is not of good character and reputation."*

**Section 6.** That Section 13 of Act No. 533, Acts of Alabama,

1957 Regular Session, page 750, as heretofore amended, is further amended to read as follows:

**"Section 13. APPLICATION AND REGISTRATION FEES:** Application for registration shall be made on forms prescribed and furnished by the Board; shall contain statements made under oath, showing the applicant's education and a detailed summary of his *professional* work, and shall contain not less than five references of who three or more shall be Registered Foresters or graduates of a curriculum in Forestry of four years or more in a school or college approved by the Board or accredited by the Society of American Foresters, having personal or professional knowledge of his Forestry experience. Any proposed subsequent statement, correction, or addition to the application shall be given under oath in writing and shall be made a part of the original application. The registration fee for a license shall be ten dollars (\$10.00), which shall accompany the application. Should the Board deny the issuance of a license to any applicant, the fee deposited shall be retained by the Board as an application fee."

**Section 7.** That Section 20 of Act No. 533, Acts of Alabama, 1957 Regular Session, page 750, is hereby amended to read as follows:

**"Section 20. VIOLATIONS AND PENALTIES:** Any person who shall practice or offer to practice the profession of Forestry in this State without being registered or exempted in accordance with the provisions of this Act, or any person who shall use in connection with his name or otherwise assume, use or advertise any title or description tending to convey the impression that he is a Forester, without being registered or exempted in accordance with the provisions of this Act, or any person who shall present or attempt to use as his own the license of another, or any person who shall give any false or forged evidence of any kind to the Board or any member thereof in obtaining a license, or any person who shall attempt to use an expired or revoked license, or any person, firm, partnership or corporation, who shall violate any of the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense. The Board, or such person or persons as may be designated by the Board to act in its stead, is empowered to prefer charges for any of the violations of this Act in any county in this State in which such violations may have occurred. It shall be the duty of all duly constituted officers of the law of this State, or any political subdivision thereof, to enforce the provisions of this Act and to prosecute any persons, firms, partnerships or corporations violating the same. The Attorney General

of the State and his assistants shall act as legal advisers of the Board and render such legal assistance as may be necessary in carrying out the provisions of this Act.

"All fines collected for the violation of any provisions of this Act shall be paid over to the Secretary of the Board to be by him delivered to the State Treasurer to be placed in the "Professional Foresters Fund" in the same manner as funds received for the issuance of licenses."

**Section 8.** All laws and parts of laws in conflict with the provisions of this Act are hereby repealed, and if any provisions of this Act shall be unconstitutional, the same shall not apply to other provisions hereof.

**Section 9.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 18, 1973.

Time: 4:30 P.M.

Act No. 1203

H.J.R. 195—Smith (P), McCluskey

### HOUSE JOINT RESOLUTION

#### NAMING THE TALLADEGA NATIONAL GUARD ARMORY FOR GENERAL LAURIS D. GRAVES.

WHEREAS Brigadier General Lauris D. Graves, Assistant Adjutant General (Army), State of Alabama, has rendered outstanding service throughout his military career which began in the Alabama National Guard in November 1950 with the 464th Anti-aircraft Battalion, Talladega, Alabama, when as surgeon, he was commissioned First Lieutenant; and

WHEREAS General Graves received his bachelor's degree from the University of Alabama, his medical degree from Hahnemann Medical College, Philadelphia, Pennsylvania and served his internship at Lloyd Nolen Hospital in Birmingham; and

WHEREAS General Graves' military education is as follows: Basic Officers Course, Medical Field Service School, Fort Sam Houston, Texas; graduate of Advanced Course, Medical Field Service School, Fort Sam Houston, Texas; Management of Mass Casualties, Medical Field Service School; Command and General Staff College; and Defense Strategy Seminar, National War College, Washington, D.C.; and

WHEREAS General Graves served on active duty with the Seventh Infantry in Korea from June 1951 until May 1952; in October 1952 he assumed command of the 129th Medical Company, Alabama Army National Guard and continuously served as commander throughout the period of that company's reorganization as the 127th Medical Battalion and subsequent reorganization as the 127th Medical Group, making many outstanding accomplishments while under his command, which were reflected in his successive promotions to Captain, Major, Lieutenant Colonel, Colonel and Brigadier General; and

WHEREAS in recognition of General Graves' valorous and effective service, he was awarded the following decorations: Army Commendation Medal, Bronze Star for Valor (two awards), Combat Medical Badge, United Nations Service Medal, Korean Service Medal with five battle stars, Presidential Unit Citation, Korean Presidential Unit Citation, Alabama Commendation Medal, Alabama Faithful Service Medal; and

WHEREAS General Graves, who is a member of the American Medical Association, the Medical Association of the State of Alabama, Alabama Academy of General Practice, is also past president of the National Guard Association of Alabama, is a member and former deacon of the First Presbyterian Church of Talladega, member of the board of directors of the Talladega Chamber of Commerce, and member and past president of the Talladega Recreation Board; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of General Graves' outstanding contributions, both militarily and as a professional, business, civic and religious leader of Talladega, that the National Guard Armory at Talladega be named, designated and known as the Lauris D. Graves Armory.

Approved September 18, 1973.

Time: 4:30 P.M.

Act No. 1204

H. 205—Lyons, Owens

### AN ACT

Relating to taxation: exempting all volunteer fire departments in this State, the Alabama Society of the Daughters of the American Revolution, the Annual Shrine Circus, the Episcopal Foundation of Jefferson County, the Alabama Heart Association and the Presbyterian Apartments, Inc. and their property from state, county and municipal taxes, licenses, fees and excises, under certain prescribed conditions.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** All volunteer fire departments in this State, and all real and personal property of all volunteer fire departments in this State, the Alabama Society of the Daughters of the American Revolution, and all real and personal property of the Alabama Society of the Daughters of the American Revolution, the Annual Shrine Circus, and all real and personal property of the Annual Shrine Circus, the Episcopal Foundation of Jefferson County, and all real and personal property of the Episcopal Foundation of Jefferson County, the Alabama Heart Association and all real and personal property of the Alabama Heart Association, and the Presbyterian Apartments, Incorporated and all real and personal property of the Presbyterian Apartments, Incorporated, when such real and personal property shall be used as provided in Act No. 47, H. 92, Special Session 1961 (Acts 1961, p. 1904) now appearing in Code of Alabama 1940, Title 51, Section 12 (2), as amended, are exempt from the payment of any and all state, county and municipal taxes, licenses, fees and charges of any nature whatsoever, including any privilege or excise tax heretofore or hereafter levied by the State of Alabama or any county or municipality thereof.

**Section 2.** All volunteer fire departments in this State, the Alabama Society of the Daughters of the American Revolution, the Annual Shrine Circus, the Episcopal Foundation of Jefferson County, the Alabama Heart Association and the Presbyterian Apartments, Incorporated shall be subject to all the provisions of Act No. 47, H. 92, Special Session 1961 (Acts 1961, p. 1904), now appearing in Code of Alabama 1940, Title 51, Section 12 (2), as amended, as are all other organizations named therein.

**Section 3.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 4.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 5.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 18, 1973.

Time: 4:30 P.M.

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Act No. 1205

S.J.R. 101—Harris

SENATE JOINT RESOLUTION

CREATING AN INTERIM COMMITTEE TO STUDY THE

**LAWS OF THIS STATE RESPECTING THE DISTRIBUTION OF ALL LAW BOOKS, JOURNALS, REPORTS AND PAMPHLET ACTS.**

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That there is hereby created a joint interim committee to study the laws of this state respecting the distribution of all law books, journals, reports and related materials. Such committee shall be composed of three members of the Senate, to be appointed by the President of the Senate and three members of the House, to be appointed by the Speaker of the House. The committee shall meet as soon as practicable after the approval date of this resolution and select a chairman from among its members. It shall meet at such subsequent time or times upon the call of the chairman.

It shall be the duty of the committee to study particularly the existing provisions of law contained in Code of Alabama 1940, Title 55, Chapter 5, Article 2, respecting the duties of the Secretary of State to distribute or dispose of copies of the acts, journals, codes, reports, other books and documents; to determine the necessity of distributing such books and documents to each such state officer, department or agency named in said article; to consider the desirability of distribution to other or additional officers, departments or agencies; to determine the number of such books or documents which should be distributed to each recipient thereof; and said committee, may in its discretion, consider the order of priority in which such distribution shall be made.

Said committee shall also consider the existing provisions of law contained in Code of Alabama 1940, Title 55, Section 140 (1), respecting the number of acts and resolutions which shall be printed in pamphlet form and distributed to certain state officers, departments and agencies; and may, in its discretion, consider the order of priority in which such distribution shall be made. In making its study, the committee may seek and receive the cooperation of the State Budget Officer and the Director of the Legislative Reference Service, the Secretary of State and the Director of Archives and History. Members of the committee shall receive no compensation for their services but shall be entitled to their regular legislative pay and expenses. All such pay and expenses of the committee shall be paid out of funds appropriated for the use of the legislature, but in no case shall such sum exceed a total of \$5,000.00. The committee shall report its findings, conclusions and recommendations to the legislature not later than the tenth legis-

lative day of its next regular session, whereupon the committee shall be dissolved.

Approved September 18, 1973.

Time: 5:00 P.M.

Act No. 1206

S. 29—Fine

### AN ACT

To amend Section 1 of Act No. 531, S. B. 101, Regular Session 1947, (Acts 1947, p. 388), as amended, which act provides for the compensation of members of the board of registrars.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 1 of Act No. 531, S. B. 101, Regular Session 1947, (Acts 1947, p. 388), as amended, is hereby amended to read as follows:

“Section 1. That in all counties in the State of Alabama each registrar shall receive *twenty dollars (\$20.00)* per day to be paid by the State and disbursed on order of the several judges of probate for each day's attendance of the registrar upon the session of the board of registrars; the said *twenty dollars (\$20.00)* per day to be paid to each registrar for each day's session of the board of registrars in such counties shall be paid by the State and disbursed on order of the chairman of the board of registrars in such counties.”

**Section 2.** All laws or parts of laws which conflict with this Act are repealed.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 18, 1973.

Time: 4:45 P.M.

Act No. 1207

S. 72—King

### AN ACT

To amend the title and Section 1 of Act No. 282, S. 218, Third Special Session 1971 (Acts 1971, p. 4556), fixing supplemental salaries of circuit judges in judicial circuits composed of one county having a certain number of circuit judges.



*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The title of Act No. 282, S. 218, Third Special Session 1971 (Acts 1971, p. 4556), is hereby amended to read as follows:

“An Act Fixing supplemental salaries of circuit judges in circuits composed of one county having not less than eight circuit judges.”

**Section 2.** Section 1 of said Act No. 282 is amended to read as follows:

“Section 1. In every judicial circuit composed of only one county and having not less than eight circuit judges, there shall be paid to each circuit judge as supplemental salary to that paid by the State, from the general funds of the county, in equal monthly installments, a sum equal to 40% of the salary paid said judge by the State of Alabama. The County Commission or other governing body of the county comprising such judicial circuit is hereby authorized, empowered and directed to pay the supplemental salary provided herein to each such circuit judge out of the general funds of the county or such other funds as may be available for such purpose; and such salary shall be in addition to any other salary, compensation, allowances or expenses provided by law.

**Section 3.** This act shall become effective at the earliest time permitted by law, subject to the provisions of the Constitution of Alabama relating to increasing or diminishing the salaries of judicial officers of this State.

Approved September 18, 1973.

Time: 4:45 P.M.

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Act No. 1208

S. 130—Jones, Pierce

### AN ACT

To amend Section 319 of Title 46, Code of Alabama, 1940, as amended, which relates to the practice of Veterinary Medicine and surgery in Alabama.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 319 of Title 46, Code of Alabama, 1940, as amended, is hereby amended to read as follows:

“Section 319. EXAMINATION OF GRADUATES OF VETERINARY COLLEGES. Every graduate of a School of Veterinary Medicine accredited by the Counsel on Education of

the American Veterinary Medical Association or who has been certified by the Educational Commission for Foreign Veterinary Graduates who is a citizen of the United States of America shall be entitled to an examination by the Board if he shall also produce proof of his good moral character. The State Board of Veterinary Medical Examiners is hereby authorized to require that all applicants serve as an intern working under the supervision of a qualified practitioner for a period of three months. No other person shall be examined. Such graduates may apply for, and receive, special and limited permits to practice with an office at a specified place until the Board of Veterinary Medical Examiners shall meet, give examinations and pass on said examinations."

**Section 2.** All laws and parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved September 18, 1973.

Time: 4:45 P.M.

Act No. 1209

S. 223—Wilson

### AN ACT

To provide an expense allowance for the members of the State Board of Education in addition to certain expenses incurred in attending meetings and transacting business of the board and providing that provisions of Act No. 470, S. 182, Regular Session 1969 (Acts 1969, p. 912) shall not be applicable to the members of said boards.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Each member of the State Board of Education shall be entitled to an expense allowance of one hundred dollars (\$100) per month which shall be in addition to the per diem compensation and actual traveling and other necessary expenses incurred in attending meetings and transacting the business of the board, as provided in Code of Alabama 1940, Title 52, Section 13. The provisions of Act No. 470, S. 182, Regular Session 1969 (Acts 1969, p. 912), an act regulating the payment of expenses of state officers and employees traveling on state business, shall not be applicable to members of the State Board of Education.

**Section 2.** The expense allowance herein provided shall be paid out of the Alabama Special Educational Trust Fund in

the same manner as other expenses of the State Board of Education are paid.

**Section 3.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 4.** All laws or parts of laws which conflict with this act are repealed.

**Section 5.** This act shall become effective on the first day of the first month next following its passage and approval by the Governor or its otherwise becoming a law.

Approved September 18, 1973.

Time: 4:45 P.M.

Act No. 1210

S. 253—Cook, Bailes

### AN ACT

To authorize the Director of Finance, the Director of the Alabama Development Office, the State Treasurer and the Executive Secretary to the Governor to become a public corporation for the purpose of acquiring land for, and erecting, constructing, maintaining, operating and leasing thereon, a products market, exhibition halls, buildings and other related structures and facilities in Jefferson County, Alabama, where products and goods may be displayed to encourage the buying and selling of such products and goods, to encourage the expansion of existing industries in Alabama, to encourage the location of new industries in Alabama and to foster and encourage the growth of the general economy of Alabama; to provide the procedure for incorporation and to designate the members, directors and officers of the Authority; to provide for the establishment in Jefferson County, Alabama, of a products market to be known as the Southern Products Mart Authority; to prescribe the powers of the Authority, including the power to acquire real estate and to acquire, erect, construct, insure, maintain, manage, operate and lease thereon, facilities, buildings, warehouses, storage facilities, exhibition halls, parking areas and other structures and appurtenances of every kind and character used or useful by the Authority for its purposes, to exercise the power of eminent domain, and the power to sell and issue not exceeding twenty million dollars principal amount of bonds for such purposes; to specify certain provisions to be contained in the bonds and the execution and sale of such bonds; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues, receipts and income of the Authority and shall not create an obligation or debt of the State or any political subdivision thereof other than the Authority; to provide that any bonds issued by the Authority may be used as security for the

deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to specify the application of the revenues, receipts and income of the Authority; to provide for the construction and equipment of the buildings and facilities of the Authority; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues, receipts and income from its facilities as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues, receipts and income which filing will constitute notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to or by any person as defined in the act, including the state or any political subdivision thereof, any agency or board of the state, any municipality or body politic, of space for occupancy on the premises or in the buildings or other structures of the Authority; to provide for the audit of books and accounts of the Authority; to provide for competitive bidding on construction contracts; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; to provide for and limit remedies in the event of any default; to provide for dissolution of said Authority and conveyance of its assets and properties to the state upon payment of said bonds; to provide that the provisions of this act shall be severable; and to provide for a date upon which this act shall become effective.

*Be It Enacted by the Legislature of Alabama:*

**Section 1. LEGISLATIVE PURPOSE.** It is the intention of the legislature by the passage of this act to authorize the incorporation of the Director of Finance, the Director of the Alabama Development Office, the State Treasurer and the Executive Secretary to the Governor for the purpose of acquiring land for and erecting, constructing, maintaining and operating thereon a products market, exhibition halls, buildings and other related structures and facilities in Jefferson County, Alabama, where products and goods may be displayed to encourage the buying and selling of such products and goods, to encourage the expansion of existing industries in Alabama, to encourage the location of new industries in Alabama and to foster and encourage the growth of the general economy of Alabama, through a corporation to be composed of said officials whose incorporation is hereby authorized and to vest such corporation with all powers, authorities, rights, privileges and titles that may be necessary to enable it to accomplish such purpose. This act shall be liberally construed in order to effect the said purpose.

**Section 2. DEFINITIONS.** As used in this act the following words and terms shall have the meanings indicated, unless the context indicates another or different meaning or intent:

(a) The words "the state" shall mean the State of Alabama.

(b) The words "the county" shall mean Jefferson County in the state.

(c) The word "Authority" shall mean the Southern Products Mart Authority authorized to be incorporated under the provisions of this act.

(d) The word "Board" or words "Board of Directors" shall mean the Board of Directors of the Authority.

(e) The words "Director of Finance" shall mean the Director of Finance of the state; the words "Director of the Alabama Development Office of the state; the words "Executive Secretary to the Governor" shall mean the Executive Secretary to the Governor of the state; the words "State Treasurer" shall mean the Treasurer of the state; and the words "State Treasury" shall mean the treasury of the state.

(f) The word "Bond" shall mean any bond authorized to be issued pursuant to provisions of this act, including a refunding bond as hereinafter authorized.

(g) The word "Coupon" shall mean any interest coupon evidencing an installment of interest payable with respect to a bond.

(h) The word "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, the state or any political subdivision thereof, any agency or board of the state, any municipality or body politic and includes any trustee, receiver, assignee, or other similar representative thereof.

Definitions include both the singular and the plural. Pronouns include all genders.

### Section 3. ORGANIZATION OF THE AUTHORITY.

(a) The Director of Finance, the Director of the Alabama Development Office, the State Treasurer and the Executive Secretary to the Governor are hereby authorized to become a corporation, with the powers and authorities hereinafter provided, by proceeding according to the provisions hereinafter outlined in this act. To become a corporation, the Director of Finance, the Director of the Alabama Development Office, the State Treasurer and the Executive Secretary to the Governor shall present to the Secretary of State of Alabama an application signed by them which shall set forth: (1) the name, official designation and official residence of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office; (2) the date on which each applicant was inducted into office and the term of office of each of the applicants; (3) the name of the proposed corporation, which shall be "Southern Products Mart

Authority"; (4) the location of the principal office of the proposed corporation; and (5) any other matter relating to the proposed corporation which the applicants may choose to insert and which shall not be inconsistent with this act or the laws of the state. The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the state to take acknowledgments to deeds. The Secretary of State of Alabama shall examine the application, and if he finds it to be in substantial compliance with the provisions of this act, he shall receive and file it and record it in an appropriate book of record in his office. The Secretary of State of Alabama shall then make and issue to the applicants a certificate of incorporation, under the Great Seal of the state, reciting the fact of the incorporation of the Authority and shall record a counterpart of said certificate of incorporation with the application. There shall be no fees paid to the Secretary of State of Alabama for any work in connection with the incorporation of the Authority or in connection with the dissolution of the Authority. Upon the issuance of said certificate of incorporation, the Authority shall constitute a body corporate having corporate succession under the name proposed in the application.

(b) the applicants named in the application and their respective successors in office shall constitute the members of the Authority. The Director of the Alabama Development Office shall be President of the Authority, the Executive Secretary to the Governor shall be the Vice President of the Authority, the Director of Finance shall be the Secretary of the Authority and the State Treasurer shall be the Treasurer of the Authority and shall act as custodian of its funds. The members of the Authority shall constitute all the members of the Board of Directors of the Authority, and any three members of said Board of Directors shall constitute a quorum for the transaction of business. The concurrence of three members of the Board of Directors shall be necessary for any action taken by the Authority. Should any of said officials of the state die or should his term of office (as Director of Finance, Director of the Alabama Development Office, State Treasurer or Executive Secretary to the Governor, as the case may be) expire or should he resign therefrom, his successor in office shall take his place as a member, officer and director of the Authority. No member, officer or director of the Authority shall draw any salary, in addition to that now authorized by law, for any service he may render or any duty he may perform in connection with the Authority. All proceedings had and done by the Board of Directors shall be reduced to writing by the Secretary of the Authority and recorded in a substantially bound book. Copies of such proceedings, when certified

by the Secretary of the Authority under the seal of the Authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

**Section 4. POWERS OF AUTHORITY.** The Authority shall have the following powers:

(a) To have succession by its corporate name until it is dissolved.

(b) To adopt by-laws for the regulation of its affairs and the conduct of its business.

(c) To adopt and use an official seal and alter the same at pleasure.

(d) To maintain a principal office in Jefferson County, Alabama, and sub-offices at such places within the state as it may designate.

(e) To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties.

(f) To acquire by purchase, gift, condemnation or any other lawful means any real, personal or mixed property necessary or convenient in connection with the purpose for which the Authority is formed and to hold title to such property, together with all rights incidental to its estate in such property.

(g) To establish in Jefferson County, Alabama, a products market to be known as the Southern Products Mart Authority and in connection therewith to acquire, erect, construct, insure, maintain, manage, operate and lease all real and personal property, facilities, buildings, warehouses, storage facilities, exhibition halls, parking areas and other structures and appurtenances of every kind and character used or useful in promoting the buying and selling of products and goods or used or useful in promoting the expansion of existing industries in the state or used or useful in promoting the location of new industries in the state or used or useful in fostering and encouraging the growth of the general economy of the state, together with all the rights incidental to such acquiring, erecting, constructing, insuring, maintaining, managing, operating and leasing.

(h) To exercise the right of eminent domain to acquire property used or useful for the purpose for which the Authority is formed as freely and completely as, and in the same manner that, the State of Alabama is empowered to exercise such rights.

(i) To lease all or any part of the facilities or property of the Authority to any person and to fix, revise from time to time, charge, and collect rentals under such leases.

(j) To establish rules and regulations for the use of any of the facilities or property of the Authority.

(k) To make and enter into contracts, leases and agreements with any person necessary for or incidental to the execution of the powers of the Authority under this act, including contracts and agreements for professional services deemed necessary for such purpose by the Authority.

(l) To appoint and employ such managers, employees, agents, fiscal advisors, and attorneys as the business of the Authority may require to efficient accomplishment of the purpose of this act.

(m) To appoint an advisory committee consisting of any number of persons not in excess of nine to advise the Authority on its affairs.

(n) To borrow money for its corporate purposes and in evidence of such borrowing to sell and issue bonds of the Authority and to refund any thereof by the issuance of refunding bonds, such bonds to be payable as to both principal and interest solely from the revenues of the Authority and proceeds from the sale of such bonds, all as provided in this act, and as security for payment of the principal of and the interest on its bonds, to pledge the revenues and anticipated revenues of the Authority as provided in this act. No bonds issued under the provisions of this act shall constitute a debt or liability of the state or any political subdivision thereof other than the Authority, or a pledge of the faith and credit of the state or of any political subdivision thereof, but such bonds shall be payable solely from the revenues and anticipated revenues pledged or available for that payment as authorized herein. All such bonds shall contain on the face thereof a statement to the effect that the Authority is obligated to pay the principal thereof and interest thereon only from its revenues and the proceeds from the sale of such bonds, that neither the state nor any political subdivision thereof other than the Authority is obligated to pay such principal or interest, and that neither the faith and credit nor the taxing power of the state or of any political subdivision thereof is pledged to the payment of such principal or interest.

(o) To anticipate by the issuance of its bonds as herein-after limited the receipt of the revenues from its facilities and as security for the payment of the principal of and interest on its bonds, to enter into any lawful covenant and to pledge the revenues from its facilities.

(p) To invest as hereinafter provided the proceeds from the sale of its bonds pending need therefor.



(q) To establish a fiscal year.

(r) To do all acts and things necessary or convenient to carry out the powers granted in this act.

(s) Notwithstanding any provision to the contrary, nothing herein shall be construed to authorize the acquisition by eminent domain of any real property or right owned or held by railroads or utilities, both public and private.

**Section 5. BONDS OF THE AUTHORITY.** Bonds of the Authority may be sold from time to time as the Board of Directors may deem advantageous; provided, that the aggregate principal amount of bonds of the Authority which may be issued under this act shall be limited to Twenty Million Dollars (\$20,000,000), but the said limitation shall not apply to refunding bonds which may be issued under this act and also shall not apply to bonds of the Authority which may be issued under any other act which may at any time hereafter be enacted. The bonds shall be in such forms and denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, and may contain other provisions not inconsistent with this act, all as may be provided in the resolution or resolutions of the Board of Directors of the Authority wherein the bonds are authorized to be issued; provided, that none of the bonds shall have a specified maturity date later than thirty years after its date. Such bonds may be in bearer form with interest coupons or registered as to principal and interest, or may be registered as to principal only, and upon surrender and endorsement or assignment, may be exchanged for a like bearer or registered security for a reasonable fee and upon such signature guarantees and other assurances as the Authority may prudently require. The bonds and coupons shall be construed to be negotiable instruments although payable from a specified source as provided in this act and such bonds and coupons shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the state. The Authority may at its election retain in the resolution or resolutions under which any of the bonds are issued an option to redeem all or any thereof and at such redemption price or prices and after such notice or notices and on such terms and conditions as may be set forth in said resolution or resolutions and as may be briefly recited in the face of the bonds with respect to which such option of redemption is retained. With respect to those of the bonds having stated maturities more than ten years after the date thereof, the Authority shall retain in the resolution or resolutions authorizing their issuance an option to redeem, at the expiration of the tenth year following the date thereof and

on any interest payment date thereafter, all or any of the bonds having stated maturities after the expiration of the tenth year following their date, at such redemption price or prices and after such redemption notice or notices and on such terms and conditions as may be set forth in said resolution or resolutions and briefly recited in the face of the bonds.

**Section 6. EXECUTION OF THE BONDS.** The bonds shall be signed by the President of the Authority and attested by its Secretary, and all interest coupons applicable to the bonds shall be signed by the President of the Authority; provided, that a facsimile of the signature of one, but not of both, of said officers may be printed or otherwise reproduced on any of the bonds in lieu of their being manually signed and a facsimile of the President's signature may be printed or otherwise reproduced on any of the interest coupons in lieu of their being manually signed. The seal of the Authority shall be impressed on the bonds, provided that a facsimile of said seal may be printed or otherwise reproduced on any of the bonds in lieu of being manually impressed thereon. If any officer duly authorized thereunto, after signing any of such bonds or the interest coupons thereunto appertaining, manually or by facsimile, shall for any reason vacate said office, nevertheless the said bonds and interest coupons may be delivered at any time thereafter as the act and deed of the Authority.

**Section 7. SALE OF THE BONDS.** Any of the bonds may be sold at any time and from time to time as said Board of Directors may deem advantageous. The bonds must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the Authority for the bonds being sold, computed from the date of those at the time being sold to their respective maturities; provided, that if no bid acceptable to the Authority is received, it may reject all bids. Notice of each such sale must be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper published in this state, which is customarily published not less often than six days during each calendar week, each of which notices must be published at least one time not less than ten days prior to the date fixed for the sale. The Board of Directors may fix the terms and conditions under which each such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof; and provided, further, that such terms and conditions shall not conflict with any of the requirements of this act. Neither a public hearing nor consent of the State Department of Finance, or any other department or agency, shall be a prerequisite to the issuance of any of the bonds.

**Section 8. REFUNDING BONDS.** Subject to the provisions contained in this act, the Authority may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the Authority issued under this act and then outstanding, together with any premium that may be necessary to be paid in order to redeem or retire the bonds proposed to be refunded. The limitations provided for in Section 5 of this act on the amount of bonds authorized in this act shall not apply to the said refunding bonds.

**Section 9. PROPERTIES AND BONDS OF THE AUTHORITY AND INCOME THEREFROM EXEMPT FROM TAXATION—MAY BE USED TO SECURE DEPOSITS AND FOR INVESTMENT OF FIDUCIARY FUNDS.** The properties of the Authority and the income therefrom and all lease agreements made by the Authority and income therefrom shall be forever exempt from any and all taxation in the State of Alabama. The bonds of the Authority and the income therefrom shall be forever exempt from any and all taxation in the State of Alabama. Any of the bonds may be used by the holder thereof as security for the deposit of any funds belonging to the state or to any instrumentality or agency of the state in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or by the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in any of the bonds.

**Section 10. DEBTS AND CONTRACTS OF AUTHORITY.** All debts assumed or created by the Authority and all bonds issued by it shall be solely and exclusively obligations of the Authority and shall not be obligations or debts of the State of Alabama. All contracts and agreements made by the Authority pursuant to the provisions of this act shall be solely and exclusively obligations of the Authority and shall not be obligations of the State of Alabama.

**Section 11. PROCEEDS OF BONDS.** The Authority shall pay out of the proceeds from the sale of any of the bonds all expenses, including fees of agents and attorneys and other charges, which said Board of Directors may deem necessary or advantageous in connection with the issuance of the bonds. The proceeds of the bonds, other than refunding bonds, remaining after paying the expenses of their issuance shall be turned over to the State Treasurer and shall be carried by him in a special account to the credit of the Authority and shall be subject to be drawn on by the Authority solely for the

purposes of acquiring real estate suitable for the purpose of the Authority in Jefferson County, Alabama (including all expenses reasonably necessary in connection with such acquisition) and erecting, constructing and equipping on such real estate exhibition halls, buildings, warehouses, storage facilities, parking areas and other structures and appurtenances of every kind and character used or useful in connection with the purpose for which the Authority is created and all reasonable and necessary expenses incidental thereto and to the issuance of said bonds, including payment of principal of those bonds which shall mature during the construction of said facilities and for a period not exceeding six months thereafter and including payment of interest which shall accrue on said bonds during the construction of said facilities and for a period not exceeding six months thereafter. Any portion of the principal proceeds derived from the sale of the bonds which the Board of Directors of the Authority may determine is not then needed for any of the purposes for which the bonds are authorized to be issued shall, on order of the Authority, be invested by the State Treasurer in any securities that are direct general obligations of the United States of America or the principal of and interest on which are unconditionally and irrevocably guaranteed by the United States of America. Any such securities may, at any time and from time to time on order of the Authority, be sold or otherwise converted by the State Treasurer into cash. The income derived from any such investments shall be disbursed on order of the Authority for any purpose for which it may lawfully expend funds. Any balance in said account shall, upon completion of the facilities above described and the payment of all costs, be transferred to the reserve fund account of the Authority hereinafter provided for. The proceeds from the sale of all refunding bonds issued by the Authority under this act remaining after paying the expenses of their issuance shall be turned over to the State Treasurer and used only for the purpose of refunding the principal of bonds of the Authority theretofore issued under this act and then outstanding and paying any premium that may be necessary to be paid in order to redeem or retire the bonds to be refunded.

**Section 12. REVENUES OF THE AUTHORITY.** For the purpose of providing funds for the payment of the costs and expenses necessary to accomplish the purpose of this Authority and for the payment of the principal of and interest on any bonds issued by the Authority under the provisions of this act, there is hereby created and irrevocably pledged to the payment of such obligations a special and continuing trust fund which shall consist of all revenues, receipts and income from rents contracted for and received by the Authority and all revenues, receipts and

income received by the Authority from any other source whatsoever. There shall be created within said special and continuing trust fund a reserve fund account of said Authority in the State Treasury in which shall be placed as a trust fund and held separate and apart from all other monies of the state or of the Authority, first, any monies left over after the completion of the acquisition, erection and construction of the facilities of the Authority and the payment of all costs in connection therewith and in connection with the issuance of the bonds and, second, all excess rentals and other surplus income after the payment of all annual charges and expenses of operation in each fiscal year, including principal and interest. Said reserve fund shall be held by the State Treasurer in trust for the Authority and the holders of its bonds and may be invested only in securities which are either direct obligations of the United States of America or fully guaranteed as to principal and interest by the United States of America. Said reserve fund shall be used by the State Treasurer to pay, when due and payable, any installment of principal and interest or both on the outstanding bonds of the Authority for which said fund was created which cannot be paid out of current revenues or other monies of the Authority. Said funds shall not be diverted or used for any other purpose. There shall be created in said special and continuing trust fund an account thereof in which shall be deposited, segregated and held only the amounts reasonably estimated to be necessary for the maintenance, operation and upkeep of the facilities of the Authority with all excess monies at the end of each fiscal year being transferred to the reserve fund, and the Authority is authorized and is hereby directed to pay out of such account in the special and continuing trust fund all reasonable expenses of the maintenance, operation and upkeep of the facilities of the Authority.

**Section 13. PLEDGE AND LIEN FOR BENEFIT OF BONDS AND REMEDIES ON DEFAULT.** In the proceedings authorizing the issuance of any of its bonds, the Authority is hereby authorized and empowered to pledge for the payment of the principal of and interest on such bonds, as the said principal and interest shall respectively mature, and to agree to use solely for such purpose, all the revenues which under the provisions of Section 12 hereof are provided for the payment of the said principal and interest. All such pledges made by the Authority shall take precedence in the order of the resolutions containing such pledge. In said proceedings the Authority may further provide and create, as security for the payment of said principal and interest, a statutory lien upon the facilities and properties of the Authority. Such statutory lien shall not be subject to foreclosure. Upon the issuance of any bonds pursuant to this act, the Authority shall file in the Office of the Judge of Pro-

bate of Jefferson County, Alabama, an instrument reciting the issuance of such bonds and the pledge of said revenues and the creation of said statutory lien as security therefor, and the filing of such instrument shall constitute constructive notice of said pledge and lien. Such instrument shall be received and recorded by said judge of probate upon payment of the fee for the recording of mortgages, but no tax shall be payable with respect thereto. If there be any default in the payment of the principal of or interest on any bonds issued hereunder, then the holder of any of the bonds and any of the interest coupons applicable thereto, or any one or more of them, shall be limited to the following remedies: (a) they may either at law or in equity, by suit, action, mandamus or other proceeding, compel performance of all duties of the officers and directors of the Authority and of the State Treasurer with respect to the use of funds for the payment of the bonds and for the performance of the agreements of the authority contained in the proceedings under which they were issued, and (b) regardless of the sufficiency of the security for the bonds in default and as a matter of right, they shall be entitled to the appointment of a receiver to administer and operate the facilities and other properties of the Authority out of the revenues from which the bonds issued with respect thereto are payable, with power to make leases and fix and collect rents sufficient to provide for the payment of the principal of and interest on the bonds and any other obligations outstanding against the facilities and other properties of the Authority or the revenues therefrom and for the payment of the expenses of operating and maintaining such facilities and properties, and with power to apply the income therefrom in accordance with the provisions of the proceedings under which the bonds were authorized to be issued, provided that said receiver shall have no power to sell any of the property or facilities of the Authority.

**Section 14. STATE TREASURER TO DISBURSE CERTAIN FUNDS.** Out of the revenues referred to in Section 12 herein, the State Treasurer is authorized and directed to pay the principal of and interest on the bonds issued by the Authority under the provisions of this act as such principal and interest shall respectively mature and he is further authorized and directed to set up and maintain appropriate records pertaining thereto.

**Section 15. NOTICE OF BOND RESOLUTION.** Any resolution authorizing any bonds hereunder shall contain a recital that they are issued pursuant to the provisions of this act, which recital shall be conclusive evidence that said bonds have been duly authorized pursuant to the provisions of this act, notwithstanding the provisions of any other law now in force or here-

after enacted or amended. Upon the adoption by the Board of Directors of any resolution providing for the issuance of bonds under the provisions of this Act, the Authority may in its discretion cause to be published once a week for two consecutive weeks, in a newspaper published and having general circulation in Jefferson County, Alabama, a notice in substantially the following form (the blanks being properly filled in): "Southern Products Mart Authority, an agency of the State of Alabama, on the \_\_\_\_\_ day of \_\_\_\_\_, adopted a resolution providing for the issuance of \$\_\_\_\_\_ principal amount of bonds of the said Authority for purposes authorized in the act of the Legislature of Alabama under which the said Authority was organized. Any action or proceeding questioning the validity of said resolution or said bonds, or the pledge and agreements made in said resolution for the benefit thereof, or the proceedings authorizing the same, must be commenced within twenty days after the first publication of this notice. Southern Products Mart Authority By: \_\_\_\_\_, Its President." Any action or proceeding in any court seeking to set aside or invalidate a resolution providing for the issuance of bonds under the provisions of this act or to contest the validity of any such bonds, or the validity of the pledge or agreement made therefor, must be commenced within twenty days after the first publication of such notice. After the expiration of the said twenty-day period, no right of action or defense founded upon the validity of the resolution or other proceedings, if any, or of the said bonds, or the said pledge or agreement, shall be asserted. In the event of such publication the validity of the said resolution proceedings, bonds, pledge or agreement shall not be open to question in any court on any ground whatever, except in an action or proceeding commenced within such period. Any such action and any action to protect or enforce any rights under the provisions of this act shall be brought in the Circuit Court of Jefferson County.

**Section 16. AUDITS.** At least once every twelve months subsequent to the formation of the Authority, the Authority shall appoint and employ a certified public accountant who shall make an examination in detail of all books and accounts of the Authority since the preceding examination and make a full report thereof in writing to be submitted to the Authority and spread upon its minute book at the first meeting of the Board after the receipt of said report. A copy of each such report shall be retained in the principal office of the Authority and made available at reasonable hours to any holder of any bond of the Authority upon request. A copy of each such report shall also be delivered by the Authority to the State Treasurer within thirty days after its receipt by the Authority.

**Section 17. CONSTRUCTION OF FACILITIES.** All facilities, buildings and structures constructed by the Authority shall be constructed according to plans and specifications of architects or engineers selected by the Authority. Such construction shall be done under the supervision and direction of the building commission created by Act No. 128 (page 116) adopted by the 1945 Regular Session of the Legislature of Alabama (hereinafter called "the Commission"), or any agency designated by the Legislature as its successor, following award for each part of the work to the lowest responsible bidder after advertising for receipt and public opening of sealed bids; provided, that the invitations for bids and the bidding documents shall be so arranged that any alternates from the base bid shall constitute cumulative deductions from the base bid and in determining the lowest bidder, if funds are insufficient to construct the facilities, buildings and structures on the lowest base bid, then the Commission may proceed to consider the bids upon the basis of the base bids of all bidders minus the respective reductions stated for the first alternate, and if the lowest bid so determined is not then within the funds available, the Commission shall proceed to consider the base bid minus the first and second alternates together to determine the lowest bid, and in like manner throughout all alternates, if need be, so that in no event shall there be any discretion as to which alternate or alternates will be used in determining the lowest responsible bidder. All such contracts shall be lump sum contracts. All contracts for the entire work shall be awarded at the same time but notice to proceed may be withheld until prior work under another contract has progressed to a point where the joint or following work can best be coordinated for the earliest completion of the entire project in a sound and workmanlike manner. The contracts shall be executed by the Authority upon the determination of the Commission as to the lowest bidders, respectively. Payments made by the Authority under the construction contracts shall be upon the contractor's written sworn request only if endorsed as approved by the Commission or in any lesser amount the Commission shall endorse as having been then earned on said contract. The Authority and the Commission shall agree to a construction cost estimate including reimbursement to the Commission of its reasonable direct cost in having plans, specifications and contract documents prepared and in supervising and inspecting the work. After the contracts have been awarded such construction cost estimates shall be revised and all extras on the contracts may be awarded within the funds available.

**Section 18. TERMS AND CONDITIONS OF LEASING BY AUTHORITY.** The Authority and any person are hereby authorized to enter into a lease or leases for the use and occupancy of



any or all property of the Authority or for the use and occupancy of any space in, or all of, any buildings or facilities constructed by the Authority under the provisions of this act, provided, that the proposed use by any such lessee or lessees shall be in furtherance of the purpose for which the Authority is created, and provided further that an adequate rental is established in said lease or leases. Any executive head of any agency, board, commission, public corporation, bureau or department of the state is hereby separately authorized to enter into any said lease with the Authority. No free space shall be available to any person on any of the property or in any of the buildings, facilities and structures of the Authority so long as the principal of or interest on any bonds, including refunding bonds, issued by the Authority remains unpaid. If at any time there is, or is about to be, vacant space on the property or in the buildings, facilities or structures constructed by the Authority and there is no person available to rent such space for the purpose for which the Authority is created, then, but only in such event, in order to prevent default in its bonds, the Authority is hereby authorized to enter into leases with any person for any lawful purposes pursuant to and subject to such rules and regulations as to such occupancy as may be adopted by the Authority, provided, that the use of such facilities by such tenants does not interfere with the use of the premises by other tenants who are occupying same in furtherance of the purpose for which the Authority is created, and provided further, that any such leases shall be based upon a rental rate (established by the Authority) commensurate with the then current commercial rates for similar facilities and space of like character in the City of Birmingham, Jefferson County, Alabama; any such lease shall not be for the purpose of competing with private enterprise or for lending public credit but shall be solely for the use and benefit of the holders of the Authority's bonds to avoid default thereon and to insure the prompt payment of the principal thereof and interest thereon when due.

**Section 19. DISSOLUTION OF AUTHORITY.** When all bonds issued by the Authority and all obligations assumed by it under the provisions of this act shall have been paid in full, then the President of the Authority shall thereupon execute and deliver in the name of and in behalf of the Authority an appropriate deed, or deeds, to which the seal of the Authority shall be affixed and attested by the Secretary of the Authority, whereby there shall be conveyed to the state all the lands, buildings, fixtures, properties and other assets then owned by the Authority. The then officers and directors of the Authority shall at such time file with the Secretary of State a written statement subscribed and sworn to by each of them, reciting

the payment in full of all bonds theretofore issued by the Authority and the execution and delivery of such deed or deeds to the state, which statement shall be filed by the Secretary of State and recorded with the certificate of incorporation of the Authority, whereupon the Authority shall stand dissolved.

**Section 20. SEVERABILITY CLAUSE.** In the event any section, sentence, clause or provision of this act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this act which shall continue effective.

**Section 21. SHORT TITLE.** This act shall be known as and may be cited as Southern Products Mart Authority Act.

**Section 22. EFFECTIVE DATE.** This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 18, 1973.

Time: 4:45 P.M.

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Act No. 1211

H. 3—Gafford

### AN ACT

To amend Section 1 of Act No. 2128, S. 5, 1971 Regular Session approved September 20, 1971, entitled "An Act To provide sales and use tax exemptions for certain medicines purchased by prescription," so as to extend the tax exemption to persons who are retired due to permanent and total disability, regardless of age, or who are blind regardless of age or whether such person is retired and, to give the Commissioner of the State Department of Revenue certain duties and powers in connection therewith.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 1 of Act No. 2128, S. 5, 1971 Regular Session approved September 20, 1971, is hereby amended to read as follows:

"Section 1. The gross proceeds of the sale or sales of all medicines prescribed by physicians for either internal or external use and purchased by prescription order or orders bearing a certificate of the physician issuing such prescription order or orders that the person for whom the drugs were prescribed is 65 years of age or older, or retired due to a permanent and total disability, regardless of age, or who is blind as defined in Code of Alabama 1940, Title 1, Section 2(1), regardless of age or whether such person is retired, filled by licensed pharmacists shall be exempted from the computation

of the amount of tax levied, assessed or payable under the provisions of the state sales tax law, Act No. 100, H. 94, Second Special Session 1959 (Acts 1959, p. 298) as amended, or under any county or municipal sales tax law; and all such medicines shall likewise be exempted from the operation of the state use tax law levied by Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as amended, or by any municipal or county use tax law. The exemptions provided in this Act shall not apply to any medicine purchased in any manner other than as herein provided.

"The Commissioner of the State Department of Revenue is hereby authorized and empowered to define and specify the condition or state of health that make a person 'permanently and totally disabled' and may issue certificates of disability to such persons as he may find meet such specifications. Any person who is drawing any pension or annuity from the armed services or a company or governmental agency as being permanently and totally disabled shall automatically be granted a certificate of permanent and total disability by the State Commissioner of Revenue."

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 1:45 P.M.

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Act No. 1212

H. 4—Gafford

### AN ACT

To amend the Code of Alabama 1940, Title 51, Section 15, as amended, relating to the exemption of homesteads from State ad valorem taxes, so as to provide additional exemptions for persons who are retired due to permanent and total disability, regardless of age, or who are blind regardless of age or whether such person is retired, and to give the State Commissioner of Revenue certain powers and duties in connection therewith.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The Code of Alabama 1940, Title 51, Section 15, as amended, is amended to read as follows:

"Section 15. Homesteads, as defined by the constitution and laws of Alabama, are hereby exempted from all state ad valorem taxes. In no case shall the exemption herein made apply to more than one person, head of the family, nor shall

the said exemption exceed two thousand dollars in assessed value, nor one hundred sixty acres in area for any resident of this state who is not over sixty-five years of age. For residents of this state, over sixty-five years of age, or who are retired due to permanent and total disability, regardless of age, or who are blind as defined in Code of Alabama 1940, Title 1, Section 2(1), regardless of age or whether such person is retired, the said exemption shall not exceed five thousand dollars in assessed value, nor one hundred sixty acres in area.

"The Commissioner of the State Department of Revenue is hereby empowered to define and specify the condition or state of health that make a person 'permanently and totally disabled' and may issue certificates of disability to such person as he may find meets such specifications. Any person who is drawing any pension or annuity from the armed services or a company of governmental agency as being permanently and totally disabled shall automatically be granted a certificate of permanent and total disability by the State Commissioner of Revenue."

**Section 2.** The provisions of this Act shall become effective for the tax year beginning October 1, 1972, and for each subsequent year.

Approved September 19, 1973.

Time: 1:45 P.M.

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Act No. 1213

H.J.R. 238—Drake

## HOUSE JOINT RESOLUTION

### DECLARING LEGISLATIVE INTENT ON EDUCATORS' SALARY INCREASE

WHEREAS, the State Board of Education has directed in a resolution adopted on August 14, 1973 that the school term be increased from 175 to 180 days each year, and;

WHEREAS, the effect of said resolution could dilute the general salary increase which the Alabama Legislature approved for teachers and other public school personnel, and;

WHEREAS, this is contrary to the spirit and the intent of the increase in the state salary allocation for teachers approved by the Alabama Legislature and included in the regular Biennial Education Appropriations Act, and;

WHEREAS, teachers will support a longer school term provided they are not required to sign contracts to work more

than the current 180-day contract period without additional compensation for the extra days,

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the State Board of Education, the State Superintendent of Education, local boards of education, and local superintendents be advised that the Legislature strongly feels that teachers are entitled to the full salary increase provided in Act 384 of the 1973 Regular Session of the Alabama Legislature, and any action by administrative authority to require additional work days without additional salary for days beyond the 180-day contract term negates the intent of the Legislature in approving the general salary increase for educators.

Approved September 19, 1973.

Time: 2:50 P.M.

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Act No. 1214                      H. 619—Timmons, Adwell, Doss, Waggoner,  
Erdreich, Boutwell, McBride,  
Bowers, Falkenburg, Boles,  
Jones (E), Dill, Gafford, Weeks,  
Ellis, Wallace

### AN ACT

To further amend Act No. 556 of the Regular Session of the Legislature of Alabama of 1959, approved November 19, 1959, (Ala. Acts, 1959, p. 1376) as amended by Act No. 991 of the Regular Session of the Legislature of Alabama of 1971, approved September 7, 1971 (Ala. Acts, 1971, p. 1783), and amended by Act No. 1576 of the Regular Session of the Legislature of Alabama of 1971, approved September 17, 1971 (Ala. Acts, 1971 p. 2692), which Act established a pension and relief or retirement and relief system for firemen and policemen who are members of any pension and relief system heretofore or heretofore established under Act No. 929 of the Legislature of Alabama of 1951, approved September 12, 1951 (Ala. Acts 1951, p. 1579) as amended, which 1951 Act established a pension system for officers and employees of each city of the state having a population of 250,000 or more, according to the latest or any subsequent Federal census.

### *Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 4 of Act No. 556, of the Regular Session of the Legislature of Alabama of 1959, enacted November 19, 1959 (Ala. Acts, 1959, p. 1376), as amended by Act No. 1576 of the Regular Session of the Legislature of Alabama of 1971, enacted September 17, 1971 (Ala. Acts, 1971, p. 2692) is amended so to read as follows:

Section 4. Board of Managers. There shall be a Board of Managers of three members for the administration, management and control of the Supplemental Pension System, including administration, management, control, acquisition and disbursement of the fund. The Board shall consist of the President of the governing body of the city, who shall be Chairman of the Board, and two associate members, designated respectively as "Member No. 1" and "Member No. 2". Member No. 1 shall be appointed by the Personnel Board. Member No. 1 shall be a person who at the time of his appointment is, and for a period of five consecutive years immediately preceding his appointment has been, an officer of, or the occupant of an executive position with, an insurance company issuing annuity policies and policies of disability insurance, the principal place of business of which insurance company is located within the city; provided, however, that if any such person is not available, the Personnel Board in appointing Member No. 1 shall select from the persons available that person who in the opinion of the Personnel Board is best qualified to discharge the duties of a member of the Board of Managers. Member No. 2 shall be elected from employees belonging to the Supplemental Pension System at an election to be held within sixty days from the date on which this Act becomes effective. The employee receiving a plurality of votes at the election shall be elected. At the first election to be held hereunder employees belonging to the System may vote for a fireman or policeman to hold the position to be occupied by Member No. 2 on the Board. In any election subsequent to the first election employees voting in such subsequent election shall not vote for any member of the System belonging to the same department (that is fire department or police department, as the case may be) to which the person last elected Member No. 2 for a full term belonged at the time of his election. The purpose of the next preceding sentence is to rotate Member No. 2 between the fire department and the police department of the city. The governing body of the city shall have the authority to prescribe rules and regulations concerning the notice of and conduct of the election to select Member No. 2. Member No. 1 and Member No. 2 shall hold office for a period of four years, with the first term for both commencing on the date on which the first Member No. 1 and the first Member No. 2 have both been selected.

"If the commencement of the actual operation of the system hereby established is delayed, or deferred, as a consequence of the validity of this Act being called in to question in litigation the four year terms of Member No. 1 and Member No. 2 shall not be deemed to begin until the litigation is terminated."

"The Board shall meet on the second Thursday in each

calendar month; provided, however, that the Board shall not be required to meet unless there is pending before the Board some application for a pension, relief or benefit or unless there is pending some other matter requiring consideration by the Board; and provided, further, that the Board by and through a resolution adopted by it may change the regular meetings from Thursday to such other time as may be convenient to the Board. Any two members of the Board, after due notice having been given to all members of the Board, may meet in special meeting and transact any business of the Board provided the Secretary shall be present and record the proceeding of the special meeting as hereinafter provided. The Board shall meet in the office of the Chairman, or such other place as the Board may designate."

"The personnel director shall be secretary of the Board and shall be present at every meeting of the Board, and keep a record of all proceedings of the Board and of all orders and decisions of the Board. Neither the secretary nor any member of the Board shall receive any salary or compensation for his services as such except Member No. 1, who shall receive ten dollars for each meeting attended, but not more than twenty dollars for meetings attended in any calendar month. Two members of the Board, when assembled in either regular or special meeting, shall constitute a quorum for the transaction of any and all business of the Board, and the affirmative vote of two members shall be necessary and sufficient to pass any motion or resolution. The Board is empowered to make rules and regulations not inconsistent with the provisions of the system in relation to its affairs and the system. The Board shall receive, investigate and pass upon all applications for retirement and disability and widow allowances and shall make retirement and disability and widow allowances in accordance with the system to all persons entitled thereto under the system, and its decision upon all matters of fact shall be final and conclusive unless it shall be affirmatively made to appear that its decision is plainly and manifestly wrong. The Board is authorized to borrow money up to the par value of the securities of the fund and to pledge such securities for repayment of the money borrowed. No money of the fund shall be invested, paid out or disbursed except pursuant to order or authorization of the Board. The Board shall be trustee, and have entire management and control of the fund, shall have sole and exclusive authority to invest its funds, and shall direct investments of monies of the fund not needed to meet disbursements provided for in this Act in the loans to members hereinafter referred to and in bonds of the United States, the State of Alabama and any municipality of Alabama, and in bonds of corporations organized under Fed-

eral laws or under the laws of any State of the United States; provided, however, that no funds shall be invested in bonds, or common or preferred stocks and stocks of private corporations unless such bonds are listed upon exchange subject to the jurisdiction of the Securities and Exchange Commission, and the aggregate par value of the funds invested in such bonds or common or preferred stocks and stocks of corporations last referred to above shall not exceed fifty (50%) per cent of the par value of all investments of the funds exclusive of loans to members. In addition to methods of removal hereinabove provided for, any member of the Board may be removed by impeachment for corruption or malfeasance or misfeasance in office or for habitual neglect of duty. From the funds of the System created by this Act the Board of Managers shall pay to the fund of the General Retirement and Relief System the amounts hereinafter specified. When any fireman or policeman retires on length of service, as is hereinafter provided for in Section 8, the Board of Managers of this System shall pay from the fund of this System the amount specified in the next succeeding sentence during each month between the date on which such fireman or policeman retired and the date on which he would have been entitled to receive a retirement allowance from the General Retirement and Relief System for thirty (30) years service had he not retired, but had continued to serve without interruption as a member of the General Retirement and Relief System until entitled to receive from said last named system a retirement pension based on thirty (30) years service. The amount which the Board of Managers created by this Act shall pay to the fund of the General Retirement and Relief System, during the period specified in the next preceding sentence shall be the sum of the amount which the city would have deducted from the salary of such fireman or policeman and would have paid into the fund of the General Retirement and Relief System had such fireman or policeman continue to be employed by the city during the period specified in the next preceding sentence at the same salary from which the deductions were made by the city at the time he retired under Section 8 of this Act plus the amount which the city during the said last named period would have paid from funds of the city into the funds of the General Retirement and Relief System to match said salary deductions had the said fireman or policeman continued to work until entitled to retire on a pension based on thirty (30) years service as aforesaid.

At least sixty days prior to the convening of the Regular Session of the Legislature of Alabama of 1961 the Board of Managers shall present to each member of the House of Representatives and of the Legislature of Alabama residing in any



county or Senatorial District wherein there is established any pension system provided for by this Act the report and survey of a competent actuary stating his opinion as to the ability of the funds and resources of the said system to meet the benefits provided, which said report or survey shall consider the cost of each of the said benefits separately and severally. If the actuary concludes that any reduction in benefits is necessary in order to assure the solvency of the fund, then in his report he shall include his recommendations as to what reductions should be made, to the end that the said Board may make such reductions in benefits as may be required to assure the solvency of the said fund. It is expressly provided that no claim for any benefit provided for by this Act shall be an obligation against the city, or the General Retirement and Relief System, it being the intention and purpose of this Act that the only funds out of which the benefits provided for by this Act will be paid shall be the fund of this pension system which said system is established upon the petition of the fireman and policeman belonging to the said system, with the express understanding on their part that the fireman and policeman and the dependents of firemen and policemen claiming benefits hereunder shall look only to the fund hereby created for the payment of benefits provided and with the full understanding upon the part of said firemen and policemen that the benefits provided for hereby will be reduced if reduction thereof is required in order to assure the solvency of the said fund. The said actuarial report or survey shall contain the opinion of the said actuary as to whether he considers any change in the benefits necessary in order to assure solvency of the fund, and if so, what change or changes he considers necessary. After the Regular Session of the Legislature of Alabama of 1961 the Board of Managers shall present to the members of the House of Representatives and the Senate designated above a similar actuarial report or survey at least once every four years sixty days prior to the convening of a Regular Session of the Legislature of Alabama. The Board of Managers shall have authority to secure other actuarial studies, investigations and reports at such other times as may seem proper to the Board. From the fund of the system the Board of Managers shall pay the cost of securing any such actuarial reports, surveys or investigations.

“(b) As herein used in this Section 4, the following words and terms have the meanings hereby ascribed to them: ‘the Board’ means the Board of Managers provided for by this Section 4; ‘the effective date of subsection (b)’ means the date on which this subsection (b) of Section 4 becomes effective; ‘this Act’ means Act 556, as amended; ‘the system means the pension system established by this Act; ‘the 3.50% proviso’ means the provisions of a contemplated amendment of this

Act which amendment will require the city to pay three and one-half per centum (3.50%); instead of two and 35/100 per cent (2.35%), of the city salary of each fireman and policeman belonging to the supplemental pension system, subject, however, to the following limitations: (1) only that part of a fireman's or policeman's salary subject to deductions under Act 929 shall be counted in determining the amount of the payment the city is to make to said pension system fund; (2) the requirement that the city pay said three and one-half per centum (3.50%) shall apply only to those firemen and policemen who elect to become subject to the requirement; and (3) each fireman or policeman electing to become subject to the said requirement shall pay (by salary deductions) to the supplemental pension system fund a matching amount which shall be equal to the three and one-half per centum (3.50%) the city pays to the said pension system fund; 'member electing the 3.50% proviso,' means a member electing to become subject to the 3.50% proviso; 'the additional payments to the system' means the additional payments the city and a member subject to the 3.50% proviso make to the system fund on account of his becoming subject to the 3.50% proviso.

"(c) Within sixty days of the effective date of subsection (b), above, of this Section 4, the Board shall employ an actuary to render actuarial opinions on the questions below stated, which questions and opinions shall be based upon the assumption below given.

"The assumption given is that this Act will be amended so as to include the provisions the 3.50% proviso contains."

"The first question on which the Board will secure an actuarial opinion pertains to the widow's allowance for which subsection (d) of Section 8 of this Act, as amended, provides, which the first question calls "the widow's allowance under Section 8'. The first question is the following:

(1) Assuming that the member electing the 3.50% proviso elects to have the additional payments to the system used to increase the amount of the widow's allowance for which Section 8 provides, to what extent would sound actuarial practice and analysis permit such widow's allowance to be increased?

"The second question on which the Board will secure an actuarial opinion pertains to the death benefit for widows and children, for which Section 9 of this Act, as amended, provides, and which the second question calls 'death benefits under Section 9.' The second question is the following:

(2) Assuming that the member electing the 3.50% proviso elects to have the additional payments to the system used to increase the death benefits under Section 9, to what extent

would sound actuarial practice and analysis permit such death benefits to be increased?

“The third and fourth questions on which the Board will secure actuarial opinions pertaining to the pension subsection (a) of Section 8 of Act 556, as amended, provides for members having at least twenty-five (25) years creditable time to receive from the system, which the third and fourth questions call ‘the retirement pension under Act 556.’ The third question on which the Board will secure the actuarial opinion is the following:

(3) Assuming that the member electing the 3.50% proviso elects to have the additional payments to the system used to increase the amount of his retirement pension under Act 556, to what extent would sound actuarial practice and analysis permit such pension to be increased? Assuming that the member electing the 3.50% proviso elects to have the additional payments to the system used to pay him an entirely new benefit (which will be in addition to the benefits provided by Act Numbers 556 and 929) said new benefit to be an additional pension for his life paid out of the fund set up by Act No. 556. The amount of said additional pension to be determined by a percent of his final average salary multiplied by the number of years of his creditable time in excess of twenty-five (25) years. What percent would sound actuarial practice and analysis permit?

(4) Assuming that the member electing the 3.50% proviso elects to have the additional payments to the system used to reduce the amount of creditable time required to entitle him to the retirement pension under Act 556, how much creditable time would sound actuarial practice and analysis require to entitle such member to the said retirement pension?

“The fifth question on which the Board will secure an actuarial opinion pertains to the pension payable to members of the system under Act 929, to which a member of the system becomes entitled under Act 929, upon acquiring thirty (30) years creditable time, or to which, after retiring under Act 556 on at least twenty-five (25) years service, he becomes entitled under Act 929 on the date on which he would have been in the service of the city for thirty (30) years if he had not retired on less than thirty (30) years service under Act 556. The fifth question calls the pension mentioned in the next foregoing sentence ‘the pension under Act 929.’ The fifth question is the following:

(5) Assuming that the member electing the 3.50% proviso elects to have the additional payments to the system used to supplement the pension under Act 929, to what extent would

sound actuarial practice and analysis permit the pension under Act 929 to be increased?

"It is declared to be the Legislative policy that in addition to the five questions above stated the Board is to secure actuarial opinions on any other reasonable questions submitted to the Board by the members of the system as regards the extent to which present benefits of the system can be increased, consistently with sound actuarial practice and analysis in favor of a member electing to become subject to the 3.50% proviso."

"(d) Within four months from the effective date of this subsection (d) of this Section 4 the Board of Managers of the system shall transmit to each member of the House of Representatives representing the County wherein the city is located and to each Senator of the Senatorial District wherein the city is located, a copy of the actuarial opinions which subsection (b) of this Section 4 requires said Board to obtain and any other information which the Board considers material on the question of the increase in present benefits which should be made in favor of a member electing to become subject to the 3.50% proviso."

**Section 2.** Section 6 of Act No. 556 of the Regular Session of the Legislature of Alabama of 1959, approved November 19, 1959, (Ala. Acts 1959, p. 1376), is amended so to read as follows:

"Section 6. Retirement and Relief Fund. (a) For the purpose of the deductions from salary provided for in this Section 6 the salary of a fireman or policeman shall be deemed to be the same as his salary is for the purpose of payroll deductions provided for in Section 9 of Act No. 929, as heretofore or hereafter amended.

"(b) At the end of each payroll period subsequent to the effective date of this Act, the city shall deduct from the salary of each fireman or policeman for such payroll period an amount equal to two and 35/100 per centum (2.35%) of his salary for each such payroll period.

"(c) The city shall promptly pay each and every deduction of salary provided for into a Retirement and Relief Account hereinafter referred to as "The Fund." At the same time the city pays into the fund any deduction from the salary of any employee member, the city shall match such deduction by paying into the fund from its general and other appropriate funds an amount equal to the full amount of such deduction. The City Comptroller is specifically charged with the duty of making such deductions from salaries and of making such payments into the fund. The fund shall include all assets of the fund in any form, and the City Comptroller shall

be ex-officio, the custodian of the fund. The custodian shall keep a separate account of the fund and of all assets and liabilities thereof and of all receipts and disbursements thereof and of all prior service time and paid membership time of employee members. The custodian shall keep all monies of the fund in a separate bank account. The custodian shall keep in force and effect a bond in a penal amount equal to the total amount of monies and securities in his custody or possession, but in no event in excess of ten percent (10%) of the total assets of the fund, payable to the Board and conditioned for faithful performance of the duties and for faithful accounting to the Board for all monies, securities and property coming into his custody or possession as such custodian. Such bond shall be executed by a surety company authorized to do business in the State of Alabama, and the premium on such bond, and all necessary expenses of the Board, shall be paid out of the fund upon order of the Board. All bonds and securities acquired for the fund and which are registerable as to principal shall be registered by the custodian in the name of the system promptly upon acquisition and shall remain so registered until sold or otherwise disposed of by authority of the Board. The Board may select a banking institution located within the territorial jurisdiction of the city as subcustodian of securities, with authority to collect and remit to the custodian principal and interest of securities entrusted to its custody as the same may mature, and pay it such reasonable fees or compensation for its services as the Board may deem proper, and the Board may, if it sees fit, waive bond of such institution as subcustodian so long as the net worth of the subcustodian exceeds one and one-half times the total par value of the securities entrusted to its custody. Securities in the custody of such subcustodian shall not be counted as in the custody of the custodian for the purpose of computing the amount of the custodian's bond. The Board is authorized to accept and receive gifts, donations or legacies for the fund, and to administer same against the fund, the records of the City Comptroller and custodian made and kept for the purpose of this Act shall be deemed prima facie, to speak the truth.

**Section 3.** Section 8 of Act No. 556 of the Regular Session of the Legislature of Alabama of 1959, approved November 19, 1959 (Ala. Acts, 1959, p. 1376), as heretofore amended, is further amended so as to read as follows:

"Section 8. Supplemental Retirement Allowance. The words, terms and phrases used in this Section 8 shall have the meaning ascribed to them by Act No. 929, unless it appears from the context that a different meaning is intended. No policeman or fireman shall receive the retirement allowance provided for by this Section prior to September 21, 1964; and

no policeman or fireman shall receive the retirement allowance provided for by this Section until Act No. 929 has been amended so as to authorize the Board of Managers of the General Retirement and Relief System provided for by said Act No. 929 to receive from the Board of Managers created by this Act the payments provided for by Section 4 of this Act nor until said Act No. 929 has been amended so as to provide that any fireman or policeman who, regardless of age, has accumulated twenty (20) or more years of creditable time shall be entitled to voluntary retirement from the service and obtain the retirement allowance provided for in Act No. 929, subject, however, to the condition or limitation that payment of the retirement allowance under Act No. 929 shall not commence until the date on which such fireman or policeman would have accumulated thirty (30) years creditable time under Act No. 929 had he continued to remain in the service. After Act No. 929 has been amended as foresaid, any policeman or fireman granted a voluntary retirement allowance under Act No. 929 on less than thirty (30) years creditable service, the payment of which allowance shall commence when he would have had thirty (30) years creditable time had he not retired, shall receive from the fund of the System created by this Act a monthly retirement allowance each month between the date on which he retires from service and the date on which he would have accumulated thirty (30) years creditable time had he not retired, which monthly retirement allowance shall be in an amount equal to fifty percent (50%) of his final average salary at the time of his retirement, plus one-half of one percentum ( $1\frac{1}{2}$  of 1%) of his final average salary multiplied by the number of years of his creditable time in excess of twenty (20) years of his creditable time. The payment of the retirement allowance provided for hereby shall cease on the date on which such fireman or policeman would have accumulated thirty (30) years creditable time in the General Retirement Relief System, created by Act No. 929, had he continued to serve from the date of his retirement.

**Section 4.** Section 9 of Act No. 556 of the Regular Session of the Legislature of Alabama of 1959, approved November 19, 1959 (Ala. Acts, 1959, p. 1376) as heretofore amended, is further amended so to read as follows:

“Section 9. Death Benefit for Widows and Children. The words, terms and phrases used in this Section 9 shall have the meaning ascribed to them by Act No. 929, unless it appears from the context that a different meaning is intended. This Section shall not apply to any fireman or policeman unless such fireman or policeman, as the case may be, within the time hereinafter specified, designates the Board of Managers of

the Supplemental Pension System to receive the return of contributions made by him to the General Retirement and Relief System, created by Act No. 929. Any fireman or policeman employed by the city on the date this act becomes operative as to the city shall make such designation within sixty days from said date; and any fireman or policeman entering the service of the city subsequent to the date on which this act becomes operative as to the city shall make such designation within thirty days from the date on which he enters the employ of the city as a fireman or policeman. This Section shall not apply as to any such fireman or policeman who after having designated the Board of Managers of the Supplementary Pension System, as aforesaid, changes the designation. This Section shall not be construed to provide any benefit for any widow or child of any deceased fireman or policeman under Act No. 929, whether such benefits be based on death in line of duty or on the fact that prior to the death of the fireman or policeman, as the case may be, he had accumulated sufficient creditable time to entitle him to receive a retirement allowance, it being the intention of this Section to provide benefits for widows and children of firemen and policemen, to the extent herein specified where such widows and children are not entitled to receive any benefits under said Act No. 929.

This Section shall not apply to any fireman or policeman, or to the widow or children of any such fireman or policeman unless such fireman or policeman, as the case may be, has accumulated five (5) or more years of creditable time at the date of his death. All of the provisions of this Section hereinafter set forth shall be subject to all of the conditions and limitations hereinabove set forth in this Section. If any fireman or policeman having five (5) or more years creditable time shall die, his widow, if any, without regard to the time during which the marriage existed, shall be entitled to a monthly allowance of forty per centum (40%) of the final average salary of such deceased member, plus a monthly allowance of Ten Dollars (\$10.00) per month for each child of such widow by such deceased member until such child shall marry, die or reach the age of eighteen (18) years, whichever may first occur. In the event such deceased member leaves no widow surviving or in the event of the death of his widow, the allowance provided hereby for any child of such deceased member shall be payable to the legal guardian or to the person who has legal custody of said child for the use and benefit of said child. The total amount of monthly allowance payable under this Section to the widow and child or children of the deceased member shall in no event exceed fifty per centum (50%) of the final average salary of such deceased member. In the event there is more than one child of such deceased member en-

titled to an allowance under this Section, the widow, if any, shall nevertheless receive forty per centum (40%) of the deceased member's salary, as provided hereinabove; and the allowances for the children, so long as there are a widow and more than one child receiving an allowance hereunder, shall be reduced equally so that in no event shall the total allowances paid under this Section exceed fifty per centum (50%) of the final average salary of such deceased member."

**Section 5.** This Act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

Approved September 18, 1973.

Time: 4:30 P.M.

Act No. 1215

S. 585—Harris

### AN ACT

Amending Section 77 of Title 41, Alabama Code, 1940, requiring the execution of bonds by a tax collector, so as to provide a formula for determining the amount of the bond.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 77 of Title 41 Alabama, Code, 1940, is amended to read as follows:

"Section 77. Tax Collector—Before assuming office the tax collector must execute a bond in duplicate with a surety company authorized to do business in Alabama, payable to the State of Alabama, in an amount to be determined for every county by the comptroller. The amount of the bond for each tax collector will be set at the beginning of his elected or appointed term, for the duration of such term. A new bond for an additional amount may be required whenever, in the judgment of the comptroller, the public welfare demands such action. The amount of the bond will be determined by the use of the following table based on a percentage of the total annual taxes collected as recorded in the latest audit report for each office published at least four months prior to the date the bond is required to be filed:

TABLE FOR COMPUTING AMOUNT OF TAX  
COLLECTOR'S BOND

Over	But Not Over	Amount of Bond	Of Excess Over
Zero	\$ 250,000	\$25,000	
\$ 250,000	\$1,000,000	\$25,000 + 5%	\$ 250,000
\$1,000,000		\$62,500 + 1%	\$1,000,000



Such bond to be approved by the comptroller, conditioned faithfully to discharge the duties of his office, which are or may be required of him by law during the time he continues therein or discharges any of the duties thereof. The bond, in duplicate, shall be sent to the office of the comptroller on or before the first day of September, next after his election, or if appointed, prior to the date that he is to assume the duties of the office, for the comptroller's approval. One copy to be retained and filed in the comptroller's office and one copy to be returned to the office of the probate judge to be filed and recorded in his office. The cost of the bond required herein shall be paid out of the general fund of the county on a warrant of the court of county commissioners, or court of like jurisdiction, and same shall be a preferred claim against the county."

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 20, 1973.

Time: 4:10 P.M.

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Act No. 1216      H. 977—Cottingham, Turner, Adams, Brassell,  
Snell, Turnham, Carter, St. John,  
Culver, Dill

### AN ACT

To amend further Code of Alabama 1940, Title 51, Section 17, as last amended by the state-wide property tax classification act (Act No. 166, H. 57, 1971 Third Special Session), so as to raise the ratio of assessed value to fair and reasonable market value of property in certain counties and to lower such ratio in other counties.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Code of Alabama 1940, Title 51, Section 17, as amended, is hereby further amended to read as follows:

"Section 17. 1. With respect to ad valorem taxes levied by the state, and, unless otherwise provided with respect to ad valorem taxes levied by a county, municipality or other taxing authority other than the State all taxable property shall be divided into the following classes and no other and shall be assessed for ad valorem tax purposes at the following ratios of assessed value to the fair and reasonable market value of such property:

"CLASS I. All property of utilities used in the business of such utilities, 30%.

"CLASS II. All property not otherwise classified, 25%.

"CLASS III. All agricultural, forest and residential property, 15%.

"2. As used herein:

"(a) 'all property of utilities' shall include all property assessed for taxation by the Department of Revenue pursuant to the provisions of Chapter 11, Title 51, Code of Alabama 1940, as amended;

"(b) 'all residential property' shall include only real property used exclusively as a single-family dwelling by the owner thereof;

"(c) 'agricultural' and 'forest' property shall include all real property used for raising, harvesting and selling crops or for the feeding, breeding, management, raising, sale of, or the produce of livestock to include beef cattle, sheep, swine, horses, ponies, mules, poultry, fur bearing animals, honeybees, and fish, or for dairying and the sale of dairy products, or for the growing and sale of timber and forest products, or any other agricultural or horticultural use or animal husbandry or any combination thereof;

"(d) 'all property not otherwise classified' shall include all real and personal property which does not fall within one or both Classes I and III.

"3. Wherever any statute provides for, limits or measures the power or authority of any county, municipality or other taxing authority to levy taxes, borrow money, or incur indebtedness in relation to the assessment of property therein for state taxes or for state and county taxes, such provision shall mean as assessed for county or municipal taxes. Provided, however, that should said amendment not be ratified and adopted all taxable property within the state shall be assessed at thirty percent of its fair and reasonable market value; in such event this act shall become effective thirty days after the date that the Secretary of State certifies that said amendment has not been ratified.

"4. The following property shall be exempted from ad valorem taxation: the real and personal property of the state, counties and municipalities and real and personal property devoted exclusively to religious, educational or charitable purposes, also the property of Masonic Lodges, Knights of Columbus Homes, and Union Halls shall be exempt when used exclusively for the purpose and business of such organizations. All property now exempt by law shall continue to be exempt from taxation until changed by law.

"5. In the following designated counties taxable property shall be assessed at the ratio of assessed value to fair and reasonable market value for each class of property at the rate indicated:

County	Class I	Class II	Class III
Morgan	30%	20%	20%
Limestone	30%	20%	15%
Etowah	30%	20%	15%
Cleburne	30%	20%	15%
Clay	30%	20%	15%
Barbour	30%	15%	15%
Coffee	30%	15%	15%
Bullock	30%	15%	15%
Hale	30%	15%	15%
Wilcox	30%	15%	15%
Monroe	30%	15%	15%
Randolph	30%	15%	15%
Perry	30%	15%	15%
Bibb	30%	15%	15%
Houston	30%	15%	15%
Dale	30%	15%	15%
Henry	30%	15%	15%
Jefferson	30%	25%	20%
Calhoun	30%	25%	15%

**Section 2.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 20, 1973.

Time: 4:00 P.M.

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Act No. 1217      H.J.R. 243—Hale, Hearn, King, Lutz, Grainger

### HOUSE JOINT RESOLUTION

WHEREAS The Local Government Study Commission of Madison County was created by legislative act in September 1971 to study local government and to make recommendations for changes and improvements thereto; and

WHEREAS the Commission first met on December 1, 1971 and has conducted 130 consecutive meetings spanning a period of 22 months; and

WHEREAS the nine appointed commissioners have given generously and unselfishly of their time and energy as exemplified by the more than 1600 hours given by the Commission Chairman alone; and

WHEREAS 425 community volunteers contributed tens of thousands of manhours to the study effort constituting the greatest single civic endeavor of this nature in the history of the State of Alabama; and

WHEREAS volumes of data were generated providing comprehensive evaluations of all phases of City and County government;

WHEREAS the Commission's efforts have culminated in the passage of legislation calling for a Charter Commission referendum; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, Do hereby commend the Madison County Local Government Study Commission for its marathon effort during its two years existence and expresses its appreciation to the Commission for the sacrifices made by each of its members and;

BE IT FURTHER RESOLVED that copies of this resolution be sent to each member of the Commission as a visible expression of that appreciation and commendation.

Approved September 20, 1973.

Time: 4:00 P.M.

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Act No. 1218      H. 342—Owens, Lyon, McCorquodale, Drake,  
Mathews

### AN ACT

To make appropriations for the renovation, restoration, refurbishing and furnishing of certain state buildings.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** There is hereby appropriated out of any funds of the State Treasury, not otherwise appropriated, the sum of \$200,000.00 to be used by the Governor's Mansion Advisory Board for the renovation, restoration, refurbishing and furnishing of the Governor's Mansion.

**Section 2.** There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, to be used

by the State Building Commission upon the approval of the State Capitol Preservation Commission the following monies:

For the fiscal year ending

September 1, 1974:

To restore the Senate and House Chambers to approximately their original condition .....	\$ 45,352.00
To provide for and improve the House and Senate sound and voting systems .....	72,800.00
To restore the galleries in the House and Senate Chambers and correct their structural deflections .....	16,195.00
To construct stairways and elevators to link all floors in wings of Capitol Building .....	84,000.00
To renovate and improve the third floor attic spaces above the House and Senate clerical areas in order to create new committee rooms, clerical space and individual offices .....	403,200.00
To renovate the mechanical and electrical systems in the Capitol building, including the construction of new underground mechanical equipment rooms and the expansion of the existing plant .....	840,000.00
To provide for miscellaneous architectural accommodations necessitated by mechanical and electrical systems renovation in Capitol building .....	183,439.00
To provide new interior building lighting system for capitol building, including restoration of original fixtures .....	123,200.00

The appropriations made in this section shall be paid from the State General Fund, conditional upon the condition of the Fund and with the approval of the Governor.

**Section 3.** There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriate, the sum of \$50,000.00 to be used by the State Building Commission to renovate and restore the White House of Confederacy in Montgomery.

**Section 4.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law:

Approved September 21, 1973.

Time: 5:05 P.M.

Act No. 1219

S. 523—Bailes, Baker, Branyon, Carr, Clark, Cook, Dominick, Dozier, Edington, Fine, Foshee, Gilmore, Givhan, Harris, Hawkins, Horne, Jones, King, Lindsey, Littleton, Lybrand, McClain, Malone, Melton, Noonan, O'Bannon, Owen, Pelham, Pierce, Register, Shelby, Vacca, Weaver, Wilder, Wilson

### AN ACT

To name and designate a certain structure in the Alabama Heart Hospital at the Medical Center of the University of Alabama in Birmingham as the "Spain Tower"

WHEREAS, Frank E. Spain has made major contributions to the State of Alabama through his legal practice and has been instrumental and innovative in the development of the City of Birmingham and has given of his time and resources to many philanthropic causes, including the Medical Center of the University of Alabama in Birmingham; and,

WHEREAS, Mr. Spain and his wife Margaret C. Spain have made possible the construction of the Spain Rehabilitation Center through their magnificent generosity to the University which when matched by Federal funds provided a total facility at a cost of more than three million dollars; and,

WHEREAS, Frank E. Spain has made significant gifts to the Eye Foundation Hospital in the Medical Center and he and his family have given generously toward the construction of a pavilion at the Spain Rehabilitation Center; and,

WHEREAS, Frank E. Spain has recently provided additional liberal sums to the University of Alabama in Birmingham to help complete facilities which are a part of the Alabama Heart Hospital; and

WHEREAS, the Board of Trustees of the University of Alabama has previously authorized the designation of this building in the expanded University Hospital complex as the "Spain Tower" of the Alabama Heart Hospital; and,

WHEREAS, this Legislature deems it fitting that this facility should bear the name of this humanitarian individual; now therefore,

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The new bed tower of the Alabama Heart Hospital at the Medical Center of the University of Alabama in Birmingham is hereby designated the "Spain Tower" in honor of Frank E. Spain and the Spain family.

**Section 2.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 3.** This act shall become effective immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 3:10 P.M.

Act No. 1220

S. 618—Fine

### AN ACT

To authorize the Tax Assessor, Tax Collector, and Clerk of the Circuit Court, Circuit Judge, Judge of Probate Court and Judge of the Intermediate Court in all counties having a population of not less than 23,900 nor more than 24,450 to hire clerical assistants, to set the compensation of such assistants, and to provide that the salaries of such assistants be paid from the general funds of such Counties.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In all counties having a population of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census the Tax Assessor, Tax Collector and Clerk of the Circuit Court, Circuit Judge, Judge of the Probate Court and Judge of the Intermediate Court each are hereby authorized and empowered to appoint a Clerk to assist him in the performance of his duties. Such clerks as are appointed under the provisions of this Act shall serve at the pleasure of the officer making such appointment.

**Section 2.** Such clerks as are appointed under the provisions of this Act shall be paid a salary of not less than \$3600.00 per year which shall be paid in equal monthly (semi-monthly) installments out of the general fund of such Counties.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 3:10 P.M.

Act No. 1221

S. 261—Harris

### AN ACT

To amend Act No. 68, H. 73, Acts of Alabama 1953, approved June 3, 1953, so as to provide for the establishment of prima facie evidence of

intent to dispose of or convert property of another which is subject to lease.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Act No. 68, H. 73, Acts of Alabama 1953, approved June 3, 1953, is hereby amended by adding the following new section:

"Section 1 (a). It shall be prima facie evidence of intent to sell, give away, remove, or otherwise dispose of, conceal or convert such property when the lessee fails to return such property to the lessor within seven (7) days after notice mailed or delivered to such lessee following the expiration of the lease or rental agreement. The word "notice" as used in this section shall be construed to include either notice given to the person entitled thereto in person or notice given to such person in writing, making demand for return of said property. Such notice in writing shall be conclusively presumed to have been given when deposited, as registered or certified mail, in the United States mail, addressed to the lessee at the address given at the time of making of the lease or rental agreement."

**Section 2.** This Act shall become effective immediately upon its adoption and approval by the Governor, or upon its otherwise becoming a law.

Approved September 18, 1973.

Time: 4:45 P.M.

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Act No. 1222

H. 262—Harris

### AN ACT

Providing for the creation of a lien on land and improvements in favor of those who rent or lease appliances, machinery or equipment for use in construction of improvements to land or in clearing or improving land.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Every person, firm or corporation renting or leasing any appliance, machinery or equipment to another for use in construction of a building or improvement on land or in repairing, altering or beautifying the same or for use in clearing, draining, excavating or landscaping of the ground upon which a building or improvement is being constructed, repaired, altered or beautified shall have a lien upon the same for the reasonable rental value of the appliance, machinery or equipment rented or leased for the period of actual use in such construction, repairing, altering or beautifying; provided,



however, that the lien hereby created shall not include the rental value of any hand tools.

**Section 2.** The lien hereby created shall arise, be perfected and enforced in the same manner as liens otherwise provided for in Article 8, Chapter 5, Title 33, Code of Alabama 1940, as amended, and shall be subject to all conditions and limitations therein provided, except to the extent as such provisions may be modified hereby.

**Section 3.** The provisions of this Act are cumulative.

**Section 4.** This Act shall become effective immediately upon its adoption and approval by the Governor, or upon its otherwise becoming a law.

Approved September 18, 1973.

Time: 5:00 P.M.

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Act No. 1223

S. 263—Harris

### AN ACT

To provide for the return of certain leased or rented personalty obtained by fraud.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Any lessee or renter of personal property under a written rental or lease contract who at the time of obtaining such property presents to the lessor identification which is false, fictitious or not current as to name, address, place of employment or other items of identification for the purpose of obtaining the lease or rental agreement shall return such property to the lessor on demand, notwithstanding the term or period of lease or rent has not expired. Failure to return such property within seven (7) days after notice demanding such return mailed or delivered to such person shall constitute prima facie evidence of intent to commit theft of such property.

**Section 2.** The word "notice" as used in Section 1 of this Act shall be construed to include either notice given to the person entitled thereto in person or notice given to such person in writing, making demand for return of said property. Such notice in writing shall be conclusively presumed to have been given when deposited, as registered or certified mail, in the United States mail, addressed to the lessee or renter at the address given at the time of the making of the lease or rental agreement.

**Section 3.** Nothing herein contained shall be construed to relieve any person obtaining property as described in Section 1 of the obligation for payment of the fair rental value of such property during the time such property is in the possession or under the control of such person.

**Section 4.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 18, 1973.

Time: 5:00 P.M.

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Act No. 1224

S. 337—Pelham

### AN ACT

To provide for the sale to the Alcoholic Beverage Control Board of certain confiscated liquors and beverages; and to provide for the disposition of funds accruing there from.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** All confiscated liquors and beverages, which the Alcoholic Beverage Control Board will accept shall not be destroyed but shall be deposited with the Alcoholic Beverage Control Board for resale. All other liquors and beverages shall be disposed of as otherwise provided by law.

**Section 2.** The Alcoholic Beverage Control Board shall immediately upon receipt of such liquors or beverages determine the reasonable value of the amount thereof and issue its warrant for the payment of same to the custodian of the county funds in the county where seized or, if seized by municipal law enforcement officers, then to the custodian of funds of the municipality, payable to the general fund of the county or the municipality as the case may be.

**Section 3.** Nothing in this act shall apply to liquors or beverages illegally made, manufactured or distilled in an unlicensed distillery, brewery or winery, and all such liquors or beverages shall be disposed of as otherwise provided by law.

**Section 4.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 5.** All laws and parts of laws in conflict with this act are hereby repealed and are conflicting provisions of Article 10, Chapter 3, Title 29, Code of Alabama 1940, as amended, are superseded to the extent of such conflict.

**Section 6.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 18, 1973.

Time: 5:00 P.M.

Act No. 1225

S. 386—Gilmore

### AN ACT

To authorize incorporated cities and towns to transfer and convey with, or without consideration, to a medical clinic board incorporated pursuant to Act No. 516 adopted at the 1955 Regular Session of the Legislature of Alabama, approved September 9, 1955 (Acts of 1955, p. 1160, et seq.) as amended, with the approval of its governing body, any property, including medical clinics or clinical facilities, hospitals and hospital facilities and assets, and any land used or useable for medical clinic or hospital purposes, including any hospitals or hospital property or assets received by such municipality upon the dissolution of a hospital building authority incorporated pursuant to the provisions of Act No. 109, General Laws of Alabama, approved August 1, 1961.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Each incorporated city and town is hereby authorized to transfer and convey to a medical clinic board which shall have been incorporated with the approval of the governing body of such municipality pursuant to Act No. 516 adopted at the 1955 Regular Session of the Legislature of Alabama, approved September 9, 1955 (Acts of 1955, p. 1160, et seq.) as amended, any property that may, immediately preceding such conveyance, have been owned by such municipality, including medical clinics and clinical facilities, hospitals and hospital facilities and assets and any land used or useable for medical clinic or hospital purposes, whether or not such property is necessary for the conduct of the governmental or other public functions of such municipality; provided that such transfer or conveyance shall have been first authorized by resolution duly adopted by the governing body of such municipality prior to the transfer and conveyance and that such resolution shall have been published one time, at least five days before such transfer or conveyance is consummated, in a newspaper published in such municipality, and if no newspaper is then published in the municipality, in a newspaper published or circulated in the county in which such municipality is located. Such transfer or conveyance may be made with or without the payment of monetary or other consideration therefor.

**Section 2.** The foregoing authorization shall apply to any hospital, hospital assets or other property, tangible or intangi-

ble, received by an incorporated city or town upon the dissolution of any hospital building authority incorporated under the provisions of Act No. 109, General Laws of Alabama, approved August 1, 1961.

**Section 3.** As used in this act the terms "medical clinic" and "clinical facilities" shall have the same meaning as provided in the aforesaid Act No. 516, as amended.

**Section 4.** This act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 18, 1973.

Time: 5:00 P.M.

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Act No. 1226

S.J.R. 99—Shelby

### SENATE JOINT RESOLUTION

CHANGING THE TUSCALOOSA STATE TRADE SCHOOL TO "GEORGE E. MANLEY STATE TRADE SCHOOL."

WHEREAS, George Edward Manley of Tuscaloosa has been instrumental in developing the vocational trade and industrial education program in Alabama and has been recognized as one of the top educators in this area; and

WHEREAS, Mr. Manley attended Birmingham public schools and received his professional engineering education at Auburn University and Colorado State College; and

WHEREAS, he pioneered an experimental class of vocational trade and industrial diversified occupations in 1935 at Cliff High School in Opelika, Alabama; and

WHEREAS, as a result of this experiment, most of the urban high schools in Alabama now offer this type of training to students 16 years of age and older; and

WHEREAS, in 1941, he was employed by the State Department of Education as Assistant State Supervisor and Assistant Professor of Vocational Trade and Industrial Education with offices at the University of Alabama; and

WHEREAS, he assisted in the organization and supervision of the War Manpower Training Program in Alabama during World War II; and

WHEREAS, he has worked with local school boards of education in helping to build, through the years, a strong vo-

cational trade and industrial education program in Alabama; and

WHEREAS, Mr. Manley has been past President of the Alabama Vocational Association and the Alabama Vocational Trade and Industrial Educational Association; and

WHEREAS, he is presently writing a history of the Alabama vocational trade and Industrial education program in Alabama; and

WHEREAS, through Mr. Manley's tireless efforts, thousands of Alabamians have been afforded vocational and industrial education opportunities previously unavailable; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, that the Tuscaloosa State Trade School be hereby named and known as the "George E. Manley State Trade School".

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to George Edward and Mabel Manley.

Approved September 18, 1973.

Time: 5:00 P.M.

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Act No. 1227

S.J.R. 106—Clark

### SENATE JOINT RESOLUTION

PERMITTING FOREIGN NURSES TO PRACTICE AS LICENSED NURSES ON A TEMPORARY BASIS.

WHEREAS, there is a critical shortage of professional nurses, including a shortage of at least one thousand five hundred (1,500) registered nurses at the present time in the State of Alabama; and,

WHEREAS, approximately two hundred nine (209) foreign nurses, presently practicing in the State of Alabama, are making a significant contribution to the health care needs of the citizens of this State; and,

WHEREAS, a committee of the Alabama Council of Directors of Nursing Services, and the Alabama Hospital Association — Alabama State Nurses Liaison Committee of the Alabama Hospital Association have met with the State Board of Nursing to request that temporary work permits be extended to these foreign nurses, or that they be issued licenses to serve as nurses; and,

WHEREAS, the State Board of Nursing has denied these requests:

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

That the State Board of Nursing be, and it is hereby urged to permit all graduate nurses of approved schools of nursing, professional and practical, domestic and foreign, to practice as licensed nurses with working permits for the duration of time needed to take the examinations prescribed by the State Board of Nursing for the maximum number of times.

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to His Excellency, the Governor of Alabama, Dr. Ira L. Myers, State Health Officer, and the members of the State Board of Nursing.

Approved September 18, 1973.

Time: 5:00 P.M.

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Act No. 1228

S.J.R. 123—Foshee

#### SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That House Bill 112, making an appropriation to Tuskegee Institute, be and the same is hereby known as "The Thomas Reed Bill".

Approved September 18, 1973.

Time: 5:00 P.M.

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Act No. 1229

S.J.R. 124—McLain, Bailes, Baker, Branyon, Carr, Clark, Cook, Dominick, Dozier, Edington, Fine, Foshee, Gilmore, Givhan, Harris, Hawkins, Horne, Jones, King, Lindsey, Littleton, Lybrand, Malone, Melton, Noonan, O'Bannon, Owen, Pelham, Pierce, Register Shelby, Vacca, Weaver, Wilder, Wilson

### SENATE JOINT RESOLUTION

WHEREAS, the Medical Association of the State of Alabama has assumed the responsibility for coordination of the "Physician for a Day" program beginning with this Session of the Legislature, and has furnished the Legislature with the voluntary services of its member physicians on each legislative day and when numerous committee meetings were scheduled, and

WHEREAS, the presence of these outstanding physicians from all over Alabama, at great personal and professional sacrifice to themselves, was a comfort and reassurance to the members of the Legislature, now therefore

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the Legislature does now convey its deep appreciation to the members of the Medical Association of the State of Alabama who participated in the "Physician for a Day" program for this unselfish act of public service.

BE IT FURTHER RESOLVED That copies of this Resolution be sent to the Medical Association of the State of Alabama for distribution to these volunteer physicians.

Approved September 18, 1973.

Time: 5:00 P.M.

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Act No. 1230	S.J.R. 125—Givhan, Bailes, Baker, Carr, Clark, Cook, Dominick, Dozier, Edington, Fine, Foshee, Gilmore, Harris, Hawkins, Horne, Jones, King, Lindsey, Littleton, Lybrand, McLain, Malone, Melton, Noonan, O'Bannon, Owen, Pelham, Pierce, Register, Shelby, Vacca, Weaver, Wilder, Wilson
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### SENATE JOINT RESOLUTION

#### COMMENDING SENATOR JAMES A BRANYON

WHEREAS Senator James Alexander Branyon II is currently serving his sixth consecutive term in the Legislature of Alabama after having been first elected to the House of Representatives in 1951 where he served continuously until 1966 when he was elected to the Senate for the Tenth Senatorial District and was reelected in 1970; and

WHEREAS Senator Branyon, being the son of Dr. A. C. and Martha (Wilkerson) Branyon, is a descendant of families long prominent in the history of this state, and as a gentleman who has held high the precepts and examples of his ancestors; and

WHEREAS Senator Branyon was educated in the public schools of Fayette and was graduated from the University of Alabama after which he organized an oil and gas business in 1927 in Fayette, in which business he continued as an oil jobber; and

WHEREAS Senator Branyon served for eighteen months during World War II and continued his military career as a member of the Alabama Air National Guard; he was called to active duty for one year during the Berlin crisis in 1961 as a Lieutenant Colonel, during which time he served in France, and subsequently rose to the rank of Brigadier General prior to his enforced retirement following a 1972 heart attack when he would have been otherwise eligible for retirement a few months thereafter; and

WHEREAS Senator Branyon is married to the former Edwynna Walker of Fayette and they are the parents of one son, Mr. James Walker Branyon, also of Fayette; and

WHEREAS Mr. Branyon is held in the highest esteem and affection by his colleagues who recognize him as a man of high principles and strict integrity and one who has contributed greatly to the State of Alabama by his sound judgment of legislative matters;

WHEREAS Senator Branyon is a Baptist, Mason, Shriner and member of the V. F. W., American Legion, Air Force Retired Reserve, Farm Bureau, Cattlemen's Association, Fayette County Historical Society and Rotary Club, to each of which organizations he has served with ability and dedication; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend Senator Branyon for his outstanding contribution to his community and to his State and Nation. We assure him of our highest esteem and sincere affection, and wish for him many more years of happiness and continued success.

RESOLVED FURTHER that a copy of this resolution be presented to Senator Branyon.

Approved September 18, 1973.

Time: 5:00 P.M.



Act No. 1231

H. 154—Burgess

**AN ACT**

To amend further Act No. 382, H. 834, approved September 9, 1955, as last amended, an Act authorizing the director of the highway department to issue special permits for movement of certain oversize vehicles in public highways (Acts 1955, p. 916).

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 1 of Act No. 382, H. 834, approved September 9, 1955, an Act authorizing the director of the highway department to issue special permits for movement of certain oversize vehicles over public highways (Acts 1955, p. 916), as last amended, is amended further to read as follows:

“Section 1. The director of the highway department may issue special permits, without cost to the applicant therefor, for movement over the public highways, excepting highways that are a segment of the Interstate System, of oversized vehicles manufactured, reconditioned, or repaired in this State when reasonably necessary for the delivery of such vehicles to the owners or purchasers thereof outside the State. Said permits shall be issued and may be renewed upon such terms and conditions, in the interest of public safety and the preservation of the highways, as the director of the highway department may in his discretion require; and he may designate the route over which such vehicles may be moved, and the hours of movement thereof. The operation of vehicles in accordance with the terms of such permit shall not constitute a violation of the provisions of Title 36 of the Code of Alabama (1940) relating to limitations on the size of vehicles, provided the operator of such vehicle shall have in his possession said permit, or a copy thereof authenticated as the director may require. Provided, that house trailers and portable storage houses not exceeding a total outside width of twelve feet or an overall length, including the towing vehicle and house trailer or portable storage houses, not exceeding seventy-five feet may be moved on any highway, excepting highways that are a segment of the Interstate System, during the hours of daylight on any day of the week without a permit. For the purposes of this Act daylight shall be one-half hour before sunrise to one-half hour after sunset.”

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1973.

Time: 5:30 P.M.

Act No. 1232

H.J.R. 175—Dill

## HOUSE JOINT RESOLUTION

URGING THE STATE EXAMINERS OF PUBLIC ACCOUNTS TO AUDIT THE BOOKS, RECORDS AND ACCOUNTS OF THE CITY OF MIDFIELD, ALABAMA.

WHEREAS, the City of Midfield, Alabama has requested the State Auditor and the Examiners of Public Accounts to audit the books of that city and that city's board of education; and

WHEREAS, neither of these public agencies has responded to the requested audits and the City of Midfield is still desirous of such audits; and

WHEREAS, Title 55, Section 160(1), Code of Alabama 1940 authorizes and requires the Division of Public Examiners to audit the records and accounts of any city board of education upon request; and

WHEREAS, the governing body of the City of Midfield is authorized to request an audit of the records and accounts of its city pursuant to Title 37, Section 81, Code of Alabama 1940; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this Legislature strongly urges the State Department of Examiners of Public Accounts to audit the books, records and accounts of the City of Midfield and of the City of Midfield Board of Education.

BE IT FURTHER RESOLVED, that such audits be performed within 90 days after passage of this resolution.

Approved September 20, 1973.

Time: 4:05 P.M.

Act No. 1233

H.J.R. 176—Stubbs

## HOUSE JOINT RESOLUTION

WHEREAS Alabama has more than 1,000 ante-bellum homes, several thousand domestic structures constructed between 1865 and 1900 and tens of thousands of additional homes built prior to 1925; and

WHEREAS these stately pre-1861 mansions, one hundred-year-old cottages, and turn-of-the-century residences are among Alabama's most significant heritage assets; and

WHEREAS many of these architecturally noteworthy and historic homes are deteriorating due to neglect and changing commercial, residential and population patterns; and

WHEREAS hundreds of restored landmarks and dozens of stabilized, revitalized older communities are popular tourist attractions for pilgrimages and tours as well as appealing to sightseers for their restored exteriors and landscaped surroundings; and

WHEREAS Alabama families, particularly young married couples, are reclaiming the flavor and fiber of our rich heritage by adapting these domestic landmarks.

NOW, therefore be it resolved that the Alabama Legislature herewith establishes a State "Live in a Landmark Council" to work with the Alabama Historical Commission to promote the preservation, restoration, stabilization, adaptation and rehabilitation of separate and clustered domestic landmarks throughout the State by encouraging Alabamians to restore and live in these landmarks.

The Chairman and the members of the State Council shall be appointed by the Governor from lists of three nominees for each position submitted to the Governor by the Alabama Historical Commission. In addition to the Chairman, one member will be appointed from each Congressional District and three members will be appointed from the State at large. The Commission's Executive Director will serve as ex-officio member of the Council. The Commission may nominate either individuals or husband and wife units and the Governor may appoint the same.

Members will serve terms of four (4) years each except that initially members from even numbered congressional districts and two of the three members appointed from the State at large will serve terms of two (2) years each or until successors are appointed. After the expiration of the term of initial members, all members will be appointed to terms of (4) years each or until successors are appointed. All members of the Council will automatically serve as members of the Board of Advisors of the Alabama Historical Commission. Members of the Council will serve without compensation and will meet at least once a year at the time of the Annual Meeting of the Alabama Historical Commission.

The State "Live in a Landmark" Council is charged to, in cooperation with the Alabama Historical Commission to organize local, regional and area councils which will promote and encourage Alabamians to restore and live in Landmarks.

Approved September 20, 1973.

Time: 4:05 P.M.

Act No. 1234

S. 125—Littleton, Wilder

**AN ACT**

To prohibit the taking, catching, capturing, or killing game or non-game fish by use of a gill, trammel or similar type net in the waters impounded by Jordan Dam, Lay Dam, Mitchell Dam and Martin Dam and to prescribe penalties.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** It shall be unlawful for any person to take, catch, capture or kill any game or non-game fish by use of a gill, trammel or similar type net in the waters impounded by Jordan Dam, Lay Dam, Mitchell Dam and Martin Dam. Whoever violates this act is guilty of a misdemeanor and upon conviction shall be punished as prescribed by law.

**Section 2.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** All laws or parts of laws which conflict with this act are repealed.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1973.

Time: 3:45 P.M.

Act No. 1235

H.J.R. 189—Lang

**HOUSE JOINT RESOLUTION**

CONTINUING WORK OF FIRE ANT STUDY COMMISSION ESTABLISHED BY HJR 75, ACT NO. 264, THIRD SPECIAL SESSION OF THE 1971 LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the joint committee established pursuant to HJR 75, Act No. 264, Third Special Session of the 1971 Legislature, shall continue in existence and shall continue its work as directed in said Act No. 264. The committee shall make a report to the Legislature before the 10th legislative day of the next regular session.

BE IT FURTHER RESOLVED, That the committee shall have the same membership, composed of two Senators appointed by the Lieutenant Governor and three Representatives

appointed by the Speaker of the House, to study the continuing problem of fire ants in Alabama; that the members of the Fire Ant Study Commission shall select a chairman and a vice-chairman from among their number; that they shall meet from time to time during the interim between regular session; that each member of the committee shall be entitled to his regular legislative compensation and an allowance for each day that he attends a meeting of the committee; and that the committee may employ such assistance as is necessary for the performance of its duties.

**BE IT FURTHER RESOLVED,** That the compensation and expenses of the committee and its staff, not to exceed the sum of \$5,000.00 altogether shall be paid out of funds appropriated to the use of the Legislature, on warrants drawn on the State Comptroller upon requisitions signed by the committee's chairman.

Approved September 20, 1973.

Time: 4:05 P.M.

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Act No. 1236

H.J.R. 201—Owens

### HOUSE JOINT RESOLUTION

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That there is hereby created a joint interim committee to study insurance rates and premiums in this state. Such committee shall be composed of four members of the House of Representatives who shall be members of the House standing committee on insurance and who shall be appointed by the Speaker of the House and four members of the Senate who shall be members of the Senate standing committee on insurance and who shall be appointed by the Lieutenant Governor. The committee shall select its own chairman and vice-chairman. Five members shall constitute a quorum.

It shall be the duty of the committee to meet as soon as practicable after the approval date of this resolution and upon the call of the chairman to study the existing programs of insurance which are available to citizens of this state, including but not limited to rates, premiums, benefits, services and all features relating to insurance coverage, with particular emphasis upon casualty line insurers furnishing liability and physical damage coverage. The committee shall further seek the advice, assistance and cooperation of the State Insurance Department and representatives of the insurance industry to

the end that state government and insurers may unite and coordinate their efforts in doing everything possible to up-grade insurance benefits at reduced costs for the citizens of Alabama.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The total expenditures of the committee in any fiscal year shall not exceed forty-eight hundred dollars, inclusive of per diem legislative pay.

The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1975 Regular Session, whereupon the committee shall be dissolved.

Approved September 20, 1973.

Time: 4:05 P.M.

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Act No. 1237     H.J.R. 208—King, Smith (P), Cauthen, Chesnut, Porter, Erdreich, Cross, Taylor, Crowe, Waggoner, Boutwell, Carter, Carnes, Hobbie, Flippo, Owens, Bank, Hale, Barron, Grainger, McBride, Ellis, Collins, McDonald, Waldrop, Reid (R), Grey (D), St. John, Timmons, Hill, Hardin, Burgess, Turner, Wynot, Adwell, Bowers, Falkenburg, Edwards, Culver, Perloff, Mims, Reed (T), Hearn, Casey, Stokes, Roberts, Nettles, Coshatt, Wood, Snell, Callahan, Barkett, Lyons, Doss, Drake, Adams, McMillan, McNair, Meeks

#### HOUSE JOINT RESOLUTION

#### URGING CREATION OF ENVIRONMENTAL LAND AND WATER MANAGEMENT COMMITTEE

WHEREAS, there is a need for an environmental land and water management committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That such a committee be created as follows:

(1) There is hereby created an environmental land management study committee to consist of six members. The president of the Senate shall appoint three members. The Speaker of the House shall appoint three members. Members of the committee shall be entitled to receive their regular legislative compensation and allowances for each day while in attendance of committee meetings, when not drawing their regular legislative pay; but in no event shall the committee's expenses and compensation exceed \$6,000 which shall be paid out of any funds appropriated to the use of the legislators. The committee shall continue in existence until its duties are terminated, but not later than the tenth legislative day of the 1975 Regular Session, at which time the committee shall be desolved.

(2) The committee shall study all facets of land resource management and land development regulation with a view toward insuring that Alabama's land use laws give the highest quality of human amenities and environmental protection consistent with a sound and economic pattern of well planned development, and shall recommend such new legislation or amendments to existing legislation as are needed to achieve that goal.

(3) As part of its work the committee shall review the land use laws of other states, the relevant federal laws, the progress of the American Law Institute's project to draft a model land development code, and the general pattern of courts' decisions in the land use area. The committee shall examine techniques for encouraging new types of well planned development including methods of regulating planned unit developments and new communities.

(4) The committee shall also consult with local governments and regional planning agencies regarding their land use problems, consult with relevant state agencies, and shall obtain the views of the public, including the views of businesses and professions concerned with use of land, and of other interested groups.

(5) The committee shall be authorized to apply for and accept any available federal grants for such studies.

(6) The committee shall be authorized to appoint such advisory committees, representatives of state and local governmental organizations and professional organizations which, in the determination of the committee, shall facilitate the studies of said committee.

(7) The committee shall prepare and submit to the governor and the legislature not later than the tenth legislative day of the 1975 Regular Session, a report which shall contain:

(a) Such proposals for changes in legislation as are recommended by the committee.

(b) Drafts of model development ordinances which will assist local governments in adopting development ordinances as required by this act;

(c) Analyses of and comments on other relevant state-commissioned studies and reports;

(d) Review of, and recommendations on, the current status and effectiveness of regional planning agencies with regard to land and water management; and

(e) Such other findings and recommendations as the committee chooses to make.

(8) The Alabama Development Office shall provide necessary staff to the committee.

(9) Prior to submitting any recommendation or issuing any rule under this resolution, the Office of State Planning shall consult with and obtain the advice of the committee.

Approved September 20, 1973.

Time: 4:05 P.M.

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Act No. 1238

H.J.R. 265—Lyons

### HOUSE JOINT RESOLUTION

WHEREAS, Capital gains tax treatment of timber under the Internal Revenue Code has been the major factor responsible for the vast progress in Alabama and the nation in forest management and the growth of forest resources during the past half century; and

WHEREAS, the substantial elimination of capital gains treatment for the owners of forest lands would constitute the most severe setback in this generation to the growth of forest products; and

WHEREAS, increased consumer demand for wood and paper products, pressures on outdoor recreation resources, and the environmental benefits of timber growth and utilization have all focused greater attention on renewable forest lands, both public and private, to the extent that our nation has seen a reversal of earlier trends of the past thirty years whereby the harvest of forest resources was exceeding the regeneration; and



WHEREAS, the jobs of thousands of employees and many hundreds of communities are affected by the forest industries of Alabama and would be jeopardized by the elimination of capital gains treatment of timber.

NOW, THEREFORE, BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, THE ALABAMA STATE SENATE CONCURRING THEREIN, That we do hereby resolve to memorialize Congress to preserve the current taxation method of applying capital gains upon the disposition of forestry products.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to all members of the Alabama Congressional Delegation, and to the Chairman of the Ways & Means Committee of the U. S. House of Representatives.

Approved September 20, 1973.

Time: 4:05 P.M.

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Act No. 1239

S. 77—King

### AN ACT

To amend the title and Section 1 of Act No. 281, S. 217, Third Special Session 1971 (Acts 1971, p. 4556), providing supplemental salaries for supernumerary circuit judges in judicial circuits composed of one county having a certain number of circuit judges.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The title of Act No. 281, S. 217, Third Special Session 1971 (Acts 1971, p. 4556), is hereby amended to read as follows:

“An Act To provide for supplementing the salaries of supernumerary circuit judges in judicial circuits composed of one county and having not less than eight circuit judges.”

**Section 2.** Section 1 of said Act No. 281 is amended to read as follows:

“Section 1. Any supernumerary circuit judge or retired circuit judge in any judicial circuit now or hereafter composed of any one county and having not less than eight circuit judges shall be entitled to receive as additional compensation payable from the treasury of the county, a sum equal to 40% of the compensation paid said judge by the State of Alabama. The salaries or compensation provided for herein is supplemental to the salaries or compensation paid such judges by the state

and shall be paid out of the general funds of the county in twelve equal monthly installments on warrants properly drawn against such funds."

**Section 3.** This act shall become effective February 1, 1974.

Approved September 19, 1973.

Time: 3:10 P.M.

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Act No. 1240

S. 136—Vacca

### AN ACT

Prohibiting the larceny, removal, or abandonment of shopping carts from the premises of grocery stores and other merchant stores; and providing penalties therefor.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The term "shopping cart" when used in this act shall mean those push carts of the type or types which are commonly provided by grocery stores, drug stores, or other merchant stores or markets for the use of the public in transporting commodities in stores and markets and incidentally from the store to a place outside the store.

**Section 2.** It shall be unlawful for any person to remove a shopping cart from the premises, posted as provided in Section 5 hereof, of the owner of such shopping cart without the consent, given at the time of such removal, of the owner or of his agent, servant, or employee. For the purpose of this section, the premises shall include all the parking area set aside by the owner, or on behalf of the owner, for the parking of cars for the convenience of the patrons of the owner.

**Section 3.** It shall be unlawful for any person to abandon a shopping cart upon any public street, sidewalk, way, or parking lot, other than a parking lot on the premises of the owner.

**Section 4.** Any person convicted of a violation under Section 2 or Section 3 shall be deemed guilty of a misdemeanor and shall be punished as prescribed by law under Code of Alabama 1940, Title 15, Section 327.

**Section 5.** The owner of the store in which the shopping cart is used shall post in at least three prominent places in his store, and at each exit therefrom, a printed copy of this act, which copy shall be printed in type no smaller than twelve points.

**Section 6.** All laws or parts of laws which conflict with act are hereby repealed.

**Section 7.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 8.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 3:10 P.M.

Act No. 1241

S. 245—Wilder

### AN ACT

To amend Article 3 of Chapter 10 of Title 55, Code of Alabama 1940 by amending Section 347 thereof, relating to creation of boxing and wrestling commission, membership, oath, etc.; to further amend Section 348 thereof, relating to seal; powers, authority and duties of the commission; and to amend Section 349 thereof relating to compensation and expenses of members.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 347 of Article 3 of Chapter 10 of Title 55 of the Code of Alabama of 1940 is hereby amended to read as follows:

“Section 347. Boxing and wrestling commission created; membership, oath, etc.—A boxing and wrestling commission is hereby created which shall be known as the boxing and wrestling commission, and which, for the purpose of brevity, is herein-after referred to in this article as the commission. The commission shall consist of three men, each of whom shall be a qualified voter and not less than thirty-five years of age. The members of the commission shall consist of a chairman of the commission and two associate members. Each member of the board shall be appointed by the Governor *from three persons nominated by the Executive Committee of the American Legion, Department of Alabama.* The Chairman shall be appointed for a term of six years. *Each associate member shall be appointed for a term of six years upon the expiration of the respective terms of the current associate members.* They shall take the same oath of office and may be impeached and shall be commissioned as other State officers, but they shall not be required to reside in Montgomery County, Alabama.”

**Section 2.** Section 348 of Article 3 of Chapter 10 of Title 55 of the Code of Alabama of 1940, as heretofore amended, is hereby further amended to read as follows:

"Section 348. The commission shall adopt a seal and shall have and hereby is vested with the sole direction, management, control and jurisdiction over all boxing, sparring and wrestling matches or exhibitions to be conducted, held or given within the State of Alabama, and no such boxing, sparring or wrestling match or exhibition shall be conducted, held or given within the State except in accordance with the provisions in this article. The commission shall have full power and authority and it shall be its duty: (a) To make and publish rules and regulations governing the conduct of boxing, sparring and wrestling matches and exhibitions, the time and place thereof, and to fix the price charged for admission thereto; to accept applications for and in its sole discretion order a license or permit issued to any person, firm, corporation, club, association, or organization, desiring to promote or conduct a boxing, sparring or wrestling match or exhibition, and to refuse such license or permit or to revoke such license or permit when, in their sole discretion, they may deem such action just or proper, or for the general welfare of the people or for the general welfare of such matches or exhibitions in general; (b) to limit the number of licenses or permits issued to any person, firm, corporation, club, association or organization within any twelve months period; (c) to limit the number of matches or exhibitions that shall be held within any county or city within any twelve months period; (d) to prorate the number of such permits that shall be issued to qualified applicants when the number of applications for permits to be held within any one period exceeds the total number of such exhibitions as are authorized by the commission on such basis as to the commission, in its sole discretion, may seem just to all applicants; (e) to collect through the recorder of permits and licenses a fee of one dollar for every permit or license to hold a boxing, sparring or wrestling match or exhibition; seventeen and one-half percentum of the gross receipts from admissions to every boxing, sparring or wrestling match or exhibition plus ten percentum of the gross price chargeable for the sale, lease or other exploitation of broadcasting, television and motion picture rights of such matches or exhibitions; ten percentum of the gross admission charges to a club, theatre or other place where a televised showing of a boxing, sparring or wrestling match or exhibition, which is taking place in another area or place, may be viewed by means of closed circuit television, and for the purposes of paying and collecting this tax any person, firm, association, or corporation which charges or collects admission fees to view such televised matches or exhibitions shall be subject to the provisions of this article relative to the payment of licenses and to rules and regulations of the commission relative to reporting of times of and proceeds derived from admissions to such showings; and a reasonable fee,

to be fixed by the commission, not to exceed *five hundred dollars for each annual license or permit issued to a promoter, one hundred and fifty dollars for each annual license or permit issued to a matchmaker, twenty dollars for each annual license or permit issued to a wrestler, manager or boxer, and five dollars for each annual license or permit issued to a referee, judge, ticket seller, announcer, trainer, second, medical examiner, ticket taker, director or time-keeper*; (f) to appoint and remove at pleasure, with or without cause, such number of *local inspectors and statewide inspectors and investigators*, as, in its sole discretion, is necessary to aid in the proper discharge of its duties, at least one of whom shall be present at the ringside at all exhibitions, and it shall be the duty of all inspectors to see that all rules and regulations of the commission and the provisions of this article are strictly complied with, and the commission may pay to such inspectors *and investigators* as it designates as compensation for services rendered one and one-half dollars each for each exhibition attended in their official capacity. *Statewide inspectors and investigators may be compensated for their services rendered the same amount as members of the commission*, payment to be made out of the funds of the commission in the same manner as provided herein for the payment of other expenses; (g) provided, however, that nothing in this article shall be construed as permitting, authorizing, or enjoining the commission to collect any license, permit fee or tax for any amateur boxing, sparring or wrestling matches or exhibitions held under the auspices of educational institutions when the proceeds of such are to be used to foster, aid or abet programs of education in the State of Alabama, or when the same are held under the auspices, rules and regulations of any national amateur athletic association or union. But no exemption from license, permit fee, tax or charges will be granted to any person, group of persons, or organization for such amateur boxing, sparring or wrestling matches or exhibitions when the proceeds or any part thereof are for personal or private gain; (h) provided, however, that the commission shall collect from all patriotic organizations chartered by authority of a special act of the congress of the United States, or local unit thereof, which has been in existence and held meetings at regular intervals for one year immediately preceding the issuance of the permit, to whom a license or permit is issued, ten percentum of the gross receipts of every boxing, sparring or wrestling match conducted or sponsored by such organization, in lieu of the seventeen and one-half percentum provided for in subsection (e) above, in addition to other licenses and fees as are herein provided."

**Section 3.** Section 349 of Article 3 of Chapter 10 of Title 55 of the Code of Alabama of 1940 is hereby amended to read as follows:

"Section 349. Compensation and expense of members.—*The chairman and each member of the commission shall serve as such without salary, but shall receive his actual expenses while engaged in the performance of his duties, and a per diem of ten dollars per day. The chairman of the commission shall be ex-officio the recorder of permits and licenses and for such service one-half of all moneys collected shall be paid to The American Legion, Department of Alabama, to be used in their programs.*"

**Section 4.** This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 21, 1973.

Time: 5:00 P.M.

Act No. 1242

S. 293—Wilder

### AN ACT

To amend Act No. 222, S. 225, Regular Session 1969 (Acts 1969, p. 542), which relates to authorizing the State Treasurer to destroy certain cancelled state warrants after six years elapse from issuance of said cancelled warrants, so as to allow such destruction after three years.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 1 of Act No. 222, S. 225, Regular Session 1969 (Acts 1969, p. 542) is hereby amended to read as follows:

"Section 1. The State Treasurer may in his discretion destroy or cause to be destroyed any cancelled state warrants at any time after the expiration of three years after the date on which the warrants were issued, provided such warrants have been photographed or microphotographed as authorized by law; and he shall likewise have the power and authority to destroy or cause to be destroyed the journals pertaining to or covering such warrants.

"The State Treasurer shall not be required to obtain the permission, approval or consent of any state officer, agency, or commission to destroy such records, the provisions of any other law to the contrary notwithstanding."

**Section 2.** All laws or parts of laws which conflict with this act are repealed.

**Section 3.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 2:50 P.M.

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Act No. 1243

S. 837—Owen

**AN ACT**

Applicable to any county having a population of not less than 57,000 nor more than 61,000 according to the last federal decennial census; to provide for clerk hire for the tax assessor and tax collector of such county.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The Tax Assessor and Tax Collector of any county having a population of not less than 57,000 nor more than 61,000 according to the last federal decennial census in the discretion of the county governing body shall each be authorized additional clerk hire in the amount of \$2,400 per annum; the exact amount thereof to be fixed by the county governing body from the general funds of the county and paid in equal monthly installments. The provisions of this Act shall be in addition to any other provisions for the expense or salary of such tax assessor or tax collector.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 17, 1973.

Time: 4:30 P.M.

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Act No. 1244

S. 838—Owen

**AN ACT**

Applicable to any county having a population of not less than 57,000 nor more than 61,000 according to the last federal decennial census; to provide an expense allowance for the probate judge of such county.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The probate judge of any county having a population of not less than 57,000 nor more than 61,000 according to the last federal decennial census, in the discretion of the county governing body, may receive an annual expense allowance of not more than \$2,000, the exact amount thereof to be fixed by such county governing body. Such expense allowance shall be paid in equal monthly installments from the general funds of the county, and shall be in addition to any other expense allowance, or salary provided such probate judge.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 4:30 P.M.

Act No. 1245

H. 421—Casey, Taylor, Wood, Manley,  
Cauthen, Boutwell, Erdreich,  
Hill, Gray (F)

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**AN ACT**

To fix the annual compensation of the chief justice of the supreme court, associate justices of the supreme court, judges of the courts of appeal, and circuit court judges.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 29, Title 13, Code of Alabama 1940, as amended, relating to the salary of every justice of the supreme court, is further amended to read as follows:

“Section 29. The salary of the chief justice of the supreme court shall be thirty-three thousand five hundred dollars (\$33,500) annually and the salary of every associate justice of the supreme court shall be thirty-three thousand five hundred dollars (\$33,500) annually, payable in equal semi-monthly installments as the salaries of other state officers are paid.”

**Section 2.** Section 111 (18), Title 13, Code of Alabama 1940, as amended, relating to the salary of each judge of the court of appeals, is further amended to read as follows:

“Section 111 (18). The salary of each judge on each court of appeals shall be an annual amount of thirty-three thousand dollars (\$33,000) annually, payable in equal semi-monthly installments as the salaries of other state officers are paid.”



**Section 3.** Section 177 (1f), Title 13, Code of Alabama 1940, as amended, relating the salary payable by the State of Alabama to each circuit judge of the state, is further amended to read as follows:

“Section 177 (1f), The salary payable by the State of Alabama to each circuit judge of the State of Alabama shall be twenty-five thousand dollars (\$25,000) per annum and shall be paid out of the general treasury of the state in equal semi-monthly installments. This section shall not affect the compensation paid to any circuit judge by any county.”

**Section 4.** The parts of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

**Section 5.** This Act shall take effect upon its passage and approval by the Governor, or upon it otherwise becoming a law but, in no event, prior to the first Monday after the second Tuesday in January 1975; provided that thereafter any change in said salary shall be limited in its commencement by operation of any applicable constitutional provision, if any.

Approved September 19, 1973.

Time: 3:00 P.M.

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Act 1246

S. 787—O'Bannon

### AN ACT

To provide for the supplemental compensation of the Circuit Judges of the 31st Judicial Circuit, and to provide the means and manner for the payment of the same, so as to provide further for such compensation.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Beginning with the next term of office of the Circuit Judges of the 31st Judicial Circuit, the salary of the Circuit Judges shall be supplemented by the County composing such Judicial Circuit, and the Board of Revenue, or other like governing body of such county, is hereby authorized, empowered and directed to supplement the salary paid by the State of Alabama, to each Circuit Judge of the 31st Judicial Circuit, by an amount equal to twenty-five percent (25%) of the salary now, or hereafter paid said Judges by the State of Alabama. The supplement hereby authorized shall be paid in equal, monthly installments out of the general funds in the County Treasury, and shall be, in addition to the salary paid such Judges by the state.

**Section 2.** The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

**Section 3.** This Act shall become effective as to all Circuit Judges of the 31st Judicial Circuit, immediately after the expiration of the term or terms of office of the Judge or Judges whose term or terms first expired, after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1973.

Time: 4:15 P.M.

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Act No. 1247

H.J.R. 182—Ellis

### HOUSE JOINT RESOLUTION

**REQUIRING CERTAIN DUTIES OF THE STATE PERSONNEL BOARD RESPECTING THE CLASSIFICATION OF POSITIONS FOR EMERGENCY MEDICAL SERVICES AND THE ESTABLISHMENT OF RATES OF PAY**

WHEREAS, the health of the people of the State of Alabama is of paramount importance, and the provision for more adequate and efficient emergency medical services personnel is of dire and vital import; and

WHEREAS, in order to carry out the mandates expressed by the legislature to provide comprehensive health planning and particularly to provide for the employment of personnel of the highest qualification and competence in the emergency services division of the state health department is basic to the success of the entire program; and

WHEREAS, intense competition among private and governmental agencies for persons skilled in emergency health services and the protection of health makes it impossible to recruit qualified new personnel and makes it difficult to retain competent personnel under present conditions; and

WHEREAS, the increased and expanding programs for providing emergency health services throughout the nation has created and will create intense competition among those programs for the limited supply of top quality medical technicians and persons skilled in allied health services, and there is strong evidence that pay rates currently applicable to such employees in Alabama fall far below the national average and below the Southeastern regional average for such pay rates; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the state personnel board shall provide for the establishment within the state merit system of new job descriptions defining the duties of emergency medical personnel and prescribing requirements for qualifying for such positions. Within 30 days after the effective date of this resolution, the said board is hereby directed to make surveys of the other states within the Southeastern region to determine prevailing rates of pay for comparable emergency medical service positions as such positions are classified under this state's merit system law. Within 60 days after the effective date of this resolution, the said board shall set and maintain rates of pay for emergency medical service positions as such positions are respectively classified, at no less than the median of the prevailing rates for such positions in the Southeastern region. The state personnel board is also directed to update rates of pay biennially for emergency medical service positions in the same manner as such rates are originally established in order to attract and retain competent personnel.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the state personnel board.

Approved September 20, 1973.

Time: 4:05 P.M.

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Act No. 1248

S. 364—Jones, Owen, Pierce

### AN ACT

To further amend Section 8 of Title 8 of the Code of Alabama of 1940, as amended, which pertains to the Advisory Board of Conservation and Natural Resources; providing that two additional members be added to the Advisory Board of Conservation; providing that the semi-annual regular meetings of said Board be held at times designated by chairman of Board or the Commissioner of Conservation and Natural Resources; eliminating requirement that meetings of Board be held in offices of the Department of Conservation and Natural Resources; and eliminating the prohibition on more than two special meetings of Board per year.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** That Section 8 of Title 8 of the Code of Alabama of 1940, as amended, be, and the same is hereby further amended so as to read as follows:

“Section 8. Advisory Board of Conservation and Natural Resources. There shall be an advisory board of conservation and natural resources. The board shall consist of the governor, the commission of agriculture and industries, the director

of agricultural extension service of *Auburn University* ex-officio, and *ten* other members to be appointed by the governor, one of whom he shall designate as chairman of the advisory board of conservation and *natural resources*. The appointive members of said board shall be selected with special reference to their training and experience along one or more of the principal lines of activity vested in the department of conservation and *natural resources*. The term of office of each appointive member of the board shall be six years. Of these first appointed, however, two members shall be appointed for two years, three members shall be appointed for four years, two members shall be appointed for five years and three members shall be appointed for six years. The members of the board shall receive no salary or compensation as members of such board, but shall be reimbursed for actual expenses of travel, meals and lodging while in the performance of their duties as members of such board.

The board shall hold semi-annual regular meetings *at the time and place designated by the chairman of the board or the commissioner of conservation and natural resources*. The chairman of the board or the commissioner of conservation and *natural resources* shall have authority to call *such special meetings as may be necessary*.

The *commissioner* of conservation and *natural resources* shall be ex-officio secretary of the board and shall keep minutes of all meetings and a record of all proceedings of the board. He shall receive no additional compensation for such services."

**Section 2.** All laws or parts of laws in conflict herewith are hereby expressly repealed.

**Section 3.** This act shall take effect immediately upon its passage and approval by the governor.

Approved September 19, 1973.

Time: 2:55 P.M.

Act No. 1249

S. 757—Givhan

## AN ACT

Relating to counties having populations of not less than 54,500 nor more than 56,000 according to the most recent federal decennial census; to authorize the governing body to use funds donated for hospital service to indigents for matching funds under the provisions of Act No. 394, H. 204, Regular Session 1957 (Acts 1957, p. 539) and for matching any other state or federal funds available for hospital service to indigents.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The governing body of any county having a population of not less than 54,500 nor more than 56,000 according to the most recent federal decennial census, is hereby authorized to use and appropriate any funds donated or contributed to the county for the specified purpose of hospital service to indigents for matching funds under the provisions of Act No. 394, H. 204, Regular Session 1957 (Acts 1957, p. 539) and for matching any other state or federal funds available for hospital service to indigents.

**Section 2.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** All laws or parts of laws which conflict with this act are repealed.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 3:10 P.M.

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Act No. 1250

S. 778—Owen

### AN ACT

Relating to counties having populations of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, providing for an additional clerk hire allowance for the offices of probate court within such counties.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In counties having populations of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, in the discretion of the county governing body, the judge of probate may be entitled to receive not more than \$16,000 annually out of the general funds of the county as a clerk hire allowance; the exact amount thereof to be fixed by such governing body. Said allowance shall be in addition to any and all other such allowances heretofore provided by law.

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 3:10 P.M.

Act No. 1251

S. 780—Baker

**AN ACT**

To authorize the district attorney of the Ninth Judicial Circuit to appoint two part-time deputy district attorneys, and to prescribe their duties; to fix their compensation and the manner of its payment.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The district attorney of the Ninth Judicial Circuit of Alabama may appoint two part-time deputy district attorneys who shall serve at the pleasure of the district attorney.

**Section 2.** One deputy district attorney shall reside in and maintain his main office in the more populous county of the circuit, and shall be paid an annual salary of \$4,800. The other deputy district attorney shall reside in the less populous county of the circuit and, shall be paid an annual salary of \$2,400. The salaries herein provided shall be paid out of the state treasury in the same manner as other state officers are paid and shall be in addition to any amounts paid by the respective counties as provided by law. Either deputy district attorney may serve as the County District Attorney (County Solicitor) in the county where he resides.

**Section 3.** Either of the deputy district attorneys whose appointment is herein authorized may perform any of the duties which the district attorney can perform when any such duty is assigned to him by the district attorney, and said deputy district attorneys shall perform other duties assigned to them by the district attorney.

**Section 4.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 5.** All laws or parts of laws which conflict with this act are repealed.

Approved September 19, 1973.

Time: 3:10 P.M.

Act No. 1252

S. 863—Weaver

**AN ACT**

Relating to all counties having populations of not less than 65,000 nor more than 68,000; providing further for the salaries of bailiffs appointed by any circuit judge of the judicial circuit in which such county lies.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In all counties having populations of not less than 65,000 nor more than 68,000, according to the most recent federal decennial census, each bailiff appointed by a circuit judge of the judicial circuit in which such county lies, shall be entitled to receive out of the treasury of the county a salary of not less than \$4,800 nor more than \$7,200 per annum with the exact amount to be fixed by the judge making the appointment. Such salaries shall be paid in equal monthly installments in the same manner as other county employees are paid.

**Section 2.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** All laws or parts of laws which conflict with this act are repealed.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 3:45 P.M.

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Act No. 1253

S. 866—Weaver

### AN ACT

Relating to all counties having populations of not less than 65,000 nor more than 68,000; providing further for the salary of the clerical assistant to the district attorney of the judicial circuit in which such county lies.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In all counties having populations of not less than 65,000 nor more than 68,000, according to the most recent federal decennial census, the clerical assistant to the district attorney of the judicial circuit in which such county lies, shall be entitled to receive a salary of not less than \$4,800 nor more than \$7,200, with the exact amount to be fixed by the district attorney. Such salary shall be paid in equal monthly installments out of the county treasury in the same manner as other county employees are paid.

**Section 2.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** All laws or parts of laws which conflict with this act are repealed.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 3:45 P.M.

Act No. 1254

S. 878—Baker

### AN ACT

Relating to all counties having a population of not less than 41,750 nor more than 45,000 according to the most recent federal decennial census, setting the salary for the County Solicitor or Deputy District Attorney.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The County Solicitor or Deputy District Attorney of all counties having a population of not less than 41,750 nor more than 45,000 according to the most recent federal decennial census shall receive a salary from the county in an amount to be determined by the District Attorney serving such counties not to exceed \$7,200 per annum, to be paid in equal monthly installments on warrants drawn on the county general fund. The salary provided herein shall be in addition to any funds appropriated by the state for salaries of Deputy District Attorneys or any funds received from federal grants for such purposes. Provided, however, that the total compensation of the County Solicitor or Deputy District Attorney shall not exceed \$13,000 per annum and in the event money available exceeds \$13,000 per annum, the county share shall be reduced so that the salary will not exceed \$13,000 per annum.

**Section 2.** All laws or parts of laws, general, special or local, which conflict with this act are hereby repealed.

**Section 3.** This act shall become effective January 1, 1974.

Approved September 19, 1973.

Time: 3:45 P.M.

Act No. 1255

S. 895—Owen

### AN ACT

Relating to counties having a population of not less than 57,000 nor



more than 61,000 according to the most recent federal decennial census; providing an annual expense allowance for the sheriff of such counties.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In all counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, in the discretion of the county governing body the sheriff of such counties may receive an annual expense allowance of not more than two thousand dollars (\$2,000), the exact amount thereof to be fixed by such county governing body. Such allowance shall be in addition to any and all other compensation and allowances presently provided by law, and shall be payable in equal monthly installments.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 4:00 P.M.

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Act No. 1256

S. 111—Fine, Clark, Foshee, Owen, Pelham

### AN ACT

To amend Section 3 of Act 437, H. 713, Acts of Alabama, 1949, page 633, which relates to establishing a sinking fund by municipalities, by amending Section 3 of said act so as to authorize employment of a savings and loan association, organized either under the laws of the State of Alabama or of the United States, to act as Trustee of such sinking fund.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 3 of Act 437, H. 713, Acts of Alabama, 1949, page 633, is hereby amended to read as follows:

“Section 3. Any city which desires to issue bonds as hereinafore provided to refund the principal of any of its unmatured bonds may establish a sinking fund which shall be used solely for the purpose of paying the principal of such unmatured bonds and may, by resolution adopted by its city council or board of commissioners or other governing body, employ any bank or trust company authorized to do business in the State of Alabama or any savings and loan association, organized either under the laws of the State of Alabama or of the United States, to act as trustee of such sinking fund and to hold in trust the bonds of such city issued to refund the principal of such unmatured bonds and placed in such sinking fund and to apply the income therefrom and the money received in payment therefor or any other income which shall accrue to

such sinking fund to the payment of the principal of such unmatured bonds."

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved September 19, 1973.

Time: 4:00 P.M.

Act No. 1257

S. 387—Harris

### AN ACT

To name the allied health building at John C. Calhoun Junior College after Mr. Barrett C. Shelton.

WHEREAS, Mr. Barrett C. Shelton has been a resident of Decatur, Alabama for all the years of his distinguished adult life; and

WHEREAS, Mr. Shelton has carried on the longtime family tradition as Editor of the Decatur Daily; and

WHEREAS, during his illustrious career in Decatur, Alabama, Mr. Shelton has served not only his community, but has worked for the benefit of all the citizens of North Alabama through his tireless civic activity and service to John C. Calhoun Junior College, St. Bernard College, and the Tombigbee Water Way Project; and

WHEREAS, Mr. Shelton is considered responsible for obtaining construction of the allied health building at Calhoun Junior College, the college community and the residents of Decatur, Alabama, deem it fitting and appropriate that such building should be named in his honor as a lasting reminder of his untiring work to the college and its educational standards; now therefore,

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The allied health building, which is located on the campus of John C. Calhoun Junior College and Technical School, Decatur, Alabama, is hereby designated The Barrett C. Shelton Health Building, in honor of Mr. Barrett C. Shelton.

**Section 2.** The Director of the State Board of Education is hereby authorized and directed to erect appropriate signs and markers around and above the described building displaying the name hereby established.

**Section 3.** All laws or parts of laws which conflict with this act are repealed.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 4:00 P.M.

Act No. 1258

S. 669—Owen

### AN ACT

Relating to counties having a population of not less than 57,000 nor more than 61,000; authorizing the county governing body of such counties to provide additional compensation or allowances to certain officers of the circuit courts of such counties.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In its discretion, the governing body of any county having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, is hereby authorized to provide the bailiff of the Circuit Court additional compensation not to exceed \$2,400 per year to be paid in equal monthly installments, and to provide an expense allowance of not more than \$100 per month to the circuit judge or judges of the circuit court of such counties. The exact amount of such compensation and allowances shall be fixed by such governing body. Such amounts shall be paid out of the general fund of such counties. The allowance herein provided shall be in addition to any other salary, allowances or other compensation provided by law to the bailiff or to the judge or judges of the Circuit Court of such counties.

**Section 2.** All laws or parts of laws which conflict with this Act are repealed.

**Section 3.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 4.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 4:00 P.M.

Act No. 1259

S. 747—Owen

**AN ACT**

Relating to counties having a population of not less than 57,000 nor more than 61,000 according to the last or any subsequent federal decennial census; to provide for additional expense allowances to the circuit clerk and to the register and an additional clerk hire allowance for the circuit clerk.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In all counties having a population of not less than 57,000 nor more than 61,000 according to the last or any subsequent federal decennial census, in the discretion of the county governing body, the clerk of the circuit court and the register of such court, each may receive an expense allowance of not more than \$2,000 per annum, the exact amount thereof to be fixed by the county governing body. Such allowances shall be payable in equal monthly installments; and the clerk of the circuit court may also, but in the discretion of such governing body, receive a clerk hire allowance of not more than \$2,400 per annum, the exact amount thereof to be fixed by the county governing body. Such clerk hire allowance shall be payable in equal monthly installments. The allowances provided for in this act shall be paid out of the general fund of said county and shall be in addition to any and all other such allowances, salary and compensation received by the circuit clerk or the register.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 4:00 P.M.

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Act No. 1260

S. 749—Owen

**AN ACT**

Relating to counties having a population of not less than 57,000 nor more than 61,000 according to the last or any subsequent federal decennial census; to provide for additional expense allowance for the tax collector and tax assessor.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In all counties having a population of not less than 57,000 nor more than 61,000 according to the last or any subsequent federal decennial census, the tax collector and tax assessor, in the discretion of the county governing body may

each receive an annual expense allowance of not more than \$2,000 per year, the exact amount thereof to be fixed by such county governing body. Such allowance shall be in addition to any and all other compensation and allowances provided for by law, and payable in equal monthly installments.

**Section 2.** The provisions of this Act shall not become effective until the expiration of the current term of office of the incumbents holding the offices of tax collector and tax assessor in said county.

Approved September 19, 1973.

Time: 4:00 P.M.

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Act No. 1261

S. 852—Harris

### AN ACT

Repealing Act No. 278, H. 369, Special Session 1966 (Acts 1966, p. 420) which created a deputy district attorney for the Eighth Judicial Circuit.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Act No. 278, H. 369, Special Session 1966 (Acts 1966, p. 420), creating a deputy district attorney for the Eighth Judicial Circuit, is hereby expressly repealed.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 5:00 P.M.

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Act No. 1262

S. 858—Shelby

### AN ACT

Governing the pleading, practice and procedure in civil actions in the Tuscaloosa County Court by adopting the Alabama Rules of Civil Procedure to increase the jurisdiction in civil actions in the Tuscaloosa County Court and to provide an expense allowance for the judge of the Tuscaloosa County Court.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In so far as applicable the Alabama Rules of Civil Procedure adopted by the Supreme Court of the State

of Alabama to become effective on July 3, 1973, shall govern all pleading, practice and procedure in all civil actions in the Tuscaloosa County Court, except there shall be no pretrials or pretrial orders; however, nothing in this Act shall be construed as conferring on any party a right to trial by jury in the Tuscaloosa County Court; provided, however, in civil cases where the amount in controversy is more than \$1,000.00, if any defendant shall demand in writing that his case be tried by a jury, then the case shall immediately be transferred to the circuit court and shall there be placed on the circuit court civil jury docket.

**Section 2.** The Tuscaloosa County Court shall have jurisdiction in civil actions in which the amount involved is Two Thousand and no/100 (\$2,000.00) Dollars or less.

**Section 3.** The judge of the Tuscaloosa County Court shall be paid an expense allowance of Three Thousand and no/100 (\$3,000.00) Dollars per annum which shall be in addition to any and all other expenses, allowances, salary and other compensation now provided by law. Such allowance shall be paid in equal monthly installments out of the county general fund.

**Section 4.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 5.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 6.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 5:00 P.M.

Act No. 1263

S. 864—Weaver

### AN ACT

Relating to all counties having populations of not less than 65,000 nor more than 68,000; providing further for the compensation and expenses of the judge of the county court in such counties.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** This act shall apply to all counties having populations of not less than 65,000 nor more than 68,000, according to the most recent federal decennial census.

**Section 2.** In all counties to which this act applies, the judges of the county court shall be entitled to an expense allowance of fifteen hundred dollars (\$1500) per annum, which shall be paid in equal monthly installments out of the general funds of the county, only for the remainder of the term of the incumbent county judges.

**Section 3.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 4.** All laws or parts of laws which conflict with this act are repealed.

**Section 5.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 5:00 P.M.

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Act No. 1264

S. 867—Weaver

### AN ACT

Relating to the assistant district attorney in all counties having populations of not less than 65,000 nor more than 68,000; increasing the supplement to the salary paid by the state.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In all counties having populations of not less than 65,000 nor more than 68,000, according to the most recent federal decennial census, the supplement to the salary paid by the state to the assistant district attorney shall be not more than \$2,700 per annum, with the exact amount to be fixed by the district attorney. Such supplement shall be paid in equal monthly installments out of the county treasury.

**Section 2.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** All laws or parts of laws conflict with this act are repealed.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 5:00 P.M.

Act No. 1265

S. 880—Dozier

**AN ACT**

To create the office of supernumerary county commissioner in all counties with a population of not less than 11,500 nor more than 12,500 according to the most recent federal decennial census, and to prescribe the qualifications, duties, and salary of such office.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In all counties having a population of not less than 11,500 nor more than 12,500 according to the most recent federal decennial census, there is hereby created the office of supernumerary county commissioner. All persons who have served for at least 12 years on the county commission of such counties and who are not less than 72 years of age, may elect to become a supernumerary county commissioner by filing a statement under oath with the Secretary of State which states that such person meets the qualifications of such office.

**Section 2.** Upon receipt of such statement filed under Section 1 of this act, the Secretary of State shall issue a certificate naming such person as a supernumerary county commissioner in the county in which he has served.

**Section 3.** Such supernumerary county commissioners shall be paid a salary of \$250.00 per month from the county general fund and shall advise the county governing body on financial and governmental problems as the need arises.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 5:00 P.M.

Act No. 1266

S. 882—Harris

**AN ACT**

Amending the title and Section 3 of Act No. 258 of the 1973 Regular Session of the Alabama Legislature, relating to election districts for Morgan County, so as to provide for the changing of election dates in Districts three and four.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The title of Act No. 258 of the 1973 Regular Session of the Alabama Legislature is hereby amended to read as follows:



"To provide that the County Commission of Morgan County, Alabama shall consist of a chairman and four other members and that the chairman shall be a resident of Morgan County, Alabama and that one member of the Commission shall be a resident of District 1, that one member of the Commission shall be a resident of District 2, that one member of the Commission shall be a resident of District 3 and that one member of the Commission shall be a resident of District 4 and that the chairman and the members of the Commission presently in office shall continue in office for the respective terms for which they were elected and that members of the Commission residing in Districts 1 and 2 shall be elected at the general election to be held in November, 1974 and every four years thereafter, and that members of the Commission who are residents of District 3 and District 4 shall be elected at the general election to be held in November, 1976 and every four years thereafter and that the chairman shall be elected at the general election in November 1974 and every six years thereafter and to prescribe the times when the chairman and members shall take office and that at any primary election at which candidates for nomination to the office of chairman of the Commission and members of the Commission are made and at any general election at which the chairman and members of the Commission are to be elected, the qualified electors of Morgan County shall be entitled to vote, and to prescribe the qualifications of the chairman and members of the Commission and for the vacation of the office of any member of the Commission other than the chairman, if he shall cease to be a resident of the district in which he resided at the time of his election and for the appointment of his successor and for a successor in the event of a vacancy for any other cause, and to provide for the severability of the provisions of this Act and to repeal all laws in conflict with this Act to the extent of such conflict and to provide when this Act shall become effective."

**Section 2.** Section 3 of the aforementioned Act is hereby amended to read as follows:

"Section 3. A member of the Commission who is a resident of District 1 and a member of the Commission who is a resident of District 2 shall be elected at the general election to be held in November, 1974 and every four years thereafter. A member of the Commission who is a resident of District 3 and a member of the Commission who is a resident of District 4 shall be elected at the general election to be held in November, 1976 and every four years thereafter. A chairman of the Commission shall be elected at the general election in November, 1974, and every six years thereafter. The chairman of the Commission shall take office on the fourth Monday in January following his election and the other members of the

Commission shall take office on the first Tuesday after the second Monday in January following their election."

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 5:05 P.M.

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Act No. 1267

S. 924—Harris

### AN ACT

Relating to any county having a population of not less than 75,000 nor more than 90,000, according to the most recent federal decennial census; further regulating the expense allowances of the tax assessor and tax collector.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The provisions of this Act shall apply to any county having a population of not less than 75,000 nor more than 90,000, according to the most recent federal decennial census.

**Section 2.** In any such county the county governing body is hereby authorized and directed to pay to the tax assessor and the tax collector an expense allowance of two thousand dollars (\$2,000) per annum each for services rendered in the performance of their respective duties. Such expense allowance shall be paid out of the general fund of the county and shall be in addition to any and all other salary, compensation and expense allowances provided by law to such tax assessor and tax collector.

**Section 3.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 4.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 5.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 5:05 P.M.

## AN ACT

To provide the sheriff's department of Baldwin County with a specific number of employees, establishing the rate of compensation for said employees, and providing for training of such.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** (a) In lieu of any chief deputy sheriff, deputy sheriffs, jailers or matrons heretofore authorized by law, the sheriff of Baldwin County is hereby authorized to appoint not less than the following number of employees whose compensation shall be paid from any fund of the county treasury each month in the amounts listed below.

Number of Employees Authorized	Rank	Compensation
1	Chief Deputy	Shall be the same as a Lieutenant in Alabama State Highway Patrol.
8	Deputies	Shall be the same as a State Trooper in Alabama State Highway Patrol.
2	Sergeants	Shall be the same as a Sergeant in Alabama State Highway Patrol.
1	Matron	Shall be the same as a Clerk Stenographer III in the Alabama Department of Public Safety.
1	Chief Jailer	Shall be the same as a Corporal in State Troopers in Alabama State Highway Patrol.
2	Jailers	Shall be the same as a State Trooper in Alabama State Highway Patrol.
1	Chief Investigator	Shall be not less than that made by an Alabama State Highway Patrol Investigator Sergeant, and not more than Alabama State Highway Patrol Investigator Lieutenant; between said limitations, the sheriff shall fix said employees' salary.

The Chief Deputy, Deputies, Chief Investigator, and Sergeants shall begin employment under the provisions of this act in a grade not greater than grade 4 corresponding to the rank listed opposite said position.

**Section 2.** All above named personnel shall be required to complete such training, schooling and inservice training as are

from time to time required and prescribed by the sheriff of Baldwin County, Alabama, such training, schooling and in-service training to be paid by the county governing body.

**Section 3.** In addition to the compensation referred to in Section 1 of this Act all uniformed personnel of the sheriff's department shall be entitled to a uniform allowance of not less than \$250.00 per year and the prescribed uniforms shall be purchased by the department.

**Section 4.** In addition to the employees authorized in Section 1 of this Act the sheriff is hereby authorized to appoint as many additional special deputies as he deems necessary, which special deputies shall serve without compensation from the county treasury.

**Section 5.** All compensation and number of personnel shall be considered to be minimum numbers of personnel and compensation thereof and the same may be increased at the discretion of the Baldwin County Commission but shall not be decreased.

**Section 6.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

**Section 7.** Any law or parts of laws which conflict with this Act are repealed.

**Section 8.** Upon the passage of this Act by the Alabama Legislature and adoption by the Governor, or its otherwise becoming law, it shall become effective October 1, 1973.

Approved September 19, 1973.

Time: 5:05 P.M.

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Act No. 1269

S. 896—Malone

### AN ACT

Requiring immunization of children against or testing for certain diseases designated by the State Board of Health and requiring proof of immunization or testing prior to entry of children into school.

*Be It Enacted by the Legislature of Alabama:*

**SECTION 1.** The State Health Officer is authorized, subject to the approval of the State Board of Health, to designate diseases against which children must be immunized or for which they must be tested prior to entry into the schools of Alabama.

**SECTION 2.** It shall be the responsibility of the parents or guardian of children to have their children immunized or tested as required by Section 1.

**SECTION 3:** The provisions of this act shall not apply if:

(1) in the absence of an epidemic or immediate threat thereof, the parent or guardian of the child shall object thereto in writing on grounds that such immunization or testing conflicts with his religious tenets and practices, or

(2) certification by a competent medical authority providing individual exemption from the required immunization or testing is presented the admissions officer of the school.

**SECTION 4.** The boards of education and the governing authority of each private school shall require each pupil who is otherwise entitled to admittance to kindergarten or first grade, whichever is applicable, or any other initial entrance into an Alabama public or private school, to present a certification of immunization or testing for the prevention of those communicable diseases designated by the State Health Officer, except as provided in Section 3.

**SECTION 5.** The State Health Officer shall promulgate rules and regulations necessary to carry out this act.

**SECTION 6.** This act shall take effect upon becoming law.

Approved September 20, 1973.

Time: 4:30 P.M.

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Act No. 1270

S. 759—O'Bannon

### AN ACT

To authorize the incorporation in any county in this state having a population of not less than 50,000 no more than 100,000 according to the most recent federal decennial census of one or more public corporations for hospital purposes, including the acquisition, financing, owning, operating and/or leasing of hospitals, clinics, sanatoria, nursing homes, offices for persons engaged in the diagnosis, treatment or cure of sick or injured persons and buildings to house or service equipment used for the diagnosis or treatment of sick and injured persons or the records of such diagnosis or treatment or research with respect to any of the foregoing, or for dormitories or residences for hospital personnel and students, together with all real property for the location or better utilization of a hospital, medical clinic, buildings, parking areas, garages, storage facilities, outbuildings, machinery, equipment, furniture and fixtures useful or desirable in the operation of any of the aforesaid facilities; to provide the method of effecting the incorporation of such a corporation and electing the members of its board of directors; to provide for the offices of Chairman and Vice Chairman of the board of directors

of such corporation; to specify the powers of such board of directors and the powers of such corporation; to authorize the issuance by such corporation of securities and the mortgage and pledge of its properties and revenues as security therefor; to provide that securities of such corporation shall be negotiable instruments and shall be eligible for investment of trust funds; to exempt from taxation all such securities, the income therefrom, any instrument executed as security therefor, all lease agreements made by such corporation and all revenues derived from such leases, and the income and properties of such corporation; to provide for the dissolution of such corporation; to exempt such corporations from the laws of this State governing usury or limiting interest rates and competitive bidding; and to authorize the county in which such corporation may be organized and any municipality located in such county to transfer and convey to such corporation without consideration therefor hospitals, other public health facilities, any funds and assets, tangible or intangible, relative to the ownership or operation of any hospital, and funds raised or allocated for hospital purposes.

*Be It Enacted by the Legislature of Alabama:*

**Section 1. Legislative Intent.** It is the intention of the legislature by the passage of this act to authorize in each of the several counties of the state having a population of not less than 50,000 nor more than 100,000 according to the most recent federal decennial census the organization of a public corporation or corporations for the purpose of acquiring, owning, operating and/or leasing public hospitals and other public health facilities in the county in which such corporation shall be organized. It is the legislative intent to confer on corporations organized hereunder all the powers requisite for the fulfillment of the purposes of their organization, including the power to do whatever financing may be necessary to accomplish such purposes. This act shall be liberally construed to give effect to its purpose. Corporations organized hereunder shall be non-profit corporations, and no part of the net earnings thereof shall inure to the benefit of any individual or private corporation.

**Section 2. Definitions.** The following words, wherever used herein, shall have the following respective meanings:

(a) "corporation" means a corporation organized pursuant to the provisions of this act.

(b) "county" means any county in this state having a population of not less than 50,000 nor more than 100,000 according to the most recent federal decennial census.

(c) "securities" means notes, bonds, certificates of indebtedness, warrants, or other evidences of indebtedness.

(d) "hospital" includes the plural as well as the singular and means any one or more of buildings or facilities which serve to promote the public health, either by providing places or facilities for the diagnosis, treatment, cure or convalescence

of sick, injured, mentally ill or disturbed persons or for the care, treatment and rehabilitation of alcoholics or for research with respect to any of the foregoing, including, without limiting the generality of the foregoing, hospitals, clinics, sanatoria, nursing homes, offices for persons engaged in the diagnosis, treatment or cure of sick or injured persons and buildings to house or service equipment used for the diagnosis or treatment of sick or injured persons or the records of such diagnosis or treatment or research with respect to any of the foregoing, or dormitories or residences for hospital personnel and students, together with all real property for the location or better utilization of a hospital, medical clinic, buildings, parking areas, garages, storage facilities, outbuildings, machinery, equipment, furniture and fixtures useful or desirable in the operation of any of the aforesaid facilities.

(e) "chief executive officer" means, with respect to a county, the probate judge as ex-officio chairman of the county commission or the president or chairman of such commission and, with respect to a municipality, the mayor, president or chairman of the commission or other chief executive officer of such municipality.

(f) "governing body" means, with respect to a county, the county commission and with respect to a municipality, the council, commission or other governing body of such municipality.

**Section 3. Authority to Incorporate.** Any county and any one or more municipalities in such county are hereby empowered and authorized to cause to be organized and incorporated one or more public corporations for hospital purposes with all the power and authority hereinafter provided. Such power and authority shall be exercised by the governing body of the county and by the governing body or bodies of the municipality or municipalities proposing to exercise such power and authority. The determination of such governing body to exercise the power and authority herein granted shall be evidenced by a resolution which shall declare the desirability of organizing and incorporating a public corporation for hospital purposes under this act, shall approve the form of the certificate of incorporation proposed to be used in organizing the corporation, shall find and determine that it is wise, expedient, necessary or advisable that the corporation be formed, and authorize its chief executive officer to proceed with the organization and incorporation of such public corporation. Whenever the governing bodies of the county and of the municipality or municipalities which are to be members of such public corporation shall have adopted such resolutions, the chief executive officer of each of them shall sign the certificate of incorporation and cause the same to be filed as hereinafter provided.

**Section 4. Certificate of Incorporation and Amendments thereof; Dissolution.** The certificate of incorporation of any public corporation incorporated under this act shall state: (1) The name of the corporation, which shall be The Public Hospital Board of \_\_\_\_\_ and \_\_\_\_\_ (the blank spaces to be filled in with the name of the county and of the municipality or municipalities which are members thereof including the proper designation thereof as a city or town); (2) The names of the county and of the municipality or municipalities which are to be members of the corporation; (3) The dates of adoption by the county and by such municipality or municipalities of their respective resolutions authorizing the incorporation of the corporation; (4) The location of the principal office of the corporation and its post office address; (5) The period for the duration of the corporation (if the duration is to be perpetual, this fact should be stated); and (6) The objects for which the corporation is organized. The certificate of incorporation may also include any provision or provisions for the regulation and conduct of the affairs of the corporation which are not inconsistent with this act and the laws of the State of Alabama. The certificate of incorporation shall be acknowledged before an officer authorized by the laws of this state to take acknowledgments of deeds. The certificate of incorporation shall be filed in the office of the judge of probate of the county which is a member of the corporation; and said judge of probate shall forthwith file such certificate and record the same, and thereupon the corporation described in said certificate of incorporation shall constitute a public corporation under the name stated in the certificate of incorporation. As soon thereafter as convenient, the judge of probate shall transmit a copy of the certificate of incorporation to the secretary of state. The certificate of incorporation of any public corporation incorporated under this act may at any time and from time to time be amended in the following manner: The board of directors of the corporation shall adopt a resolution setting forth the proposed amendment, which may include any proposed change in the name of such corporation, the inclusion of another municipality or municipalities as members thereof, or any matter which might originally have been included in the certificate of incorporation. If the governing body of the county and of the municipality or municipalities which authorized the incorporation of the corporation and the governing body of each municipality which it is proposed shall be added as members of the corporation, shall by resolution of their respective governing bodies consent to such proposed amendment, the chairman of the board of directors, or other chief executive officer of the corporation, and the secretary of the corporation, shall then file in the office of the judge of probate in the county in which the certificate of incorpora-



tion of the corporation is filed, a certificate in the name and on behalf of the corporation, under its corporate seal, reciting the adoption of the said respective resolutions by the board of directors and by the governing bodies of the county and of such municipalities, and setting forth the proposed amendment. The proposed amendment shall become effective upon the filing of such certificate in the said office. Whenever all the indebtedness and obligations of the corporation shall have been paid in full and a plan for the distribution and disposal of all the properties of the corporation to its members shall have been made, approved by its board of directors, and by the governing body of the county and of the municipality or municipalities which are members of the corporation, a certificate reciting these facts and that it is the desire of the board of directors of the corporation and of the governing bodies of the county and of the municipality or municipalities which are members thereof that the corporation be dissolved, such certificate shall be filed in the office of the judge of probate of the county in which the certificate of incorporation is filed, and thereupon the corporation shall be dissolved, and the members of the board of directors of the corporation shall be trustees of its properties to distribute and dispose thereof in accordance with said plan.

**Section 5. Board of Directors.** The corporation shall have a board of directors in which all powers of the corporation shall be vested. Unless otherwise provided in the certificate of incorporation, the board of directors shall consist of (a) the chief executive officer of the county who shall serve for a term concurrent with his term as such officer of the county and three other persons who shall be residents of the county and shall be elected by the governing body of the county for staggered terms of office as follows: the first term of one director shall be two years; of another director, four years; and the third director, six years; and thereafter the term of office of each such director shall be six years, and (b), with respect to each member municipality, its chief executive officer who shall serve for a term concurrent with his term as such municipal officer and three other persons who shall be residents of the county and shall be elected by the governing body of such member municipality for staggered terms of office as follows: the first term of one director shall be two years; of another director, four years; and the third director, six years, and thereafter the term of office of each such director shall be six years. Each member of the board of directors shall serve until his successor is elected. If any director dies or resigns or becomes incapable of acting as a director or ceases to reside in the county, the governing body of the county or of the member municipality electing such director shall elect a successor to serve for the unexpired period

of his term. Directors may succeed themselves in office if again elected as chief executive officer of the county or chief executive officer of a member municipality or if again elected by the governing body of the county or of a member municipality, as the case may be. The members of the board of directors shall serve without compensation, except they may be reimbursed for actual expenses incurred in the performance of their duties as directors. No member of the board of directors other than the chief executive officer of the county and the chief executive officer of each member municipality shall be an officer of the county or of any member municipality. The chief executive officer of the county and the chief executive officer or officers of the member municipality or municipalities shall rotate each calendar year as chairman of the board of directors and vice-chairman or chairmen of the board of directors of the corporation.

**Section 6. Powers of Corporation.** The corporation shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form: to have succession by its corporate name for the duration of time (which may be in perpetuity) specified in its certificate of incorporation, or until dissolved as herein provided; to sue and be sued and to defend suits against it; to make use of a corporate seal and to alter the same at pleasure; to adopt bylaws and amend the same; to receive, acquire, take and hold, whether by purchase, gift, lease, device or otherwise, real and personal property of every description, and to manage and dispose of same by any form of legal conveyance or transfer; to acquire, construct, equip, enlarge, improve, maintain, and operate one or more hospitals, and to do all things necessary to that end; to lease to others, one or more hospitals, or parts thereof and any hospital facilities and to charge and collect rent therefor and to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof; and to grant options to renew or extend any such lease upon such terms and conditions as the board of directors may determine; provided that no lease shall extend beyond the last maturity of any bonds issued by the corporation or 60 years from the date of the lease, whichever is the longer; and no option to renew shall permit the extension of any lease beyond such period; to contract with any institution for the instruction of medicine to provide training for nurses, technicians and other technical, professional and paramedical personnel upon such terms, conditions and number of years as they may determine; to conduct training schools; to provide scholarships for students to be engaged in essential duties peculiar to the operation of such hospitals in such manner as they may determine; to select and appoint the medical staff

and dental staff members and others licensed to practice the healing arts and to delineate and define the privileges granted each individual; to affiliate and contract to provide training and clinical experience for students of other institutions upon such terms, conditions as it may determine; to rent, lease or contract for the operation of any department, section, equipment or holdings of the corporation upon such terms and conditions as it may determine; to borrow money for any corporate purpose and to issue interest bearing securities in evidence of the borrowing; to mortgage, pledge, or otherwise convey its property and its revenues from any source; to appoint and employ such officers and agents, including attorneys, as the business of the corporation may require; to establish and collect and alter charges for services rendered and supplies furnished by it; to make all needful or appropriate rules and regulations for the conduct of any hospital owned or operated by it and to alter such rules and regulations; to provide for such insurance as the corporation may deem advisable; to cooperate with the State Board of Health and the State Department of Mental Health; to make such contracts with either of said Boards as the board of directors of the corporation may deem advisable respecting the operation of any hospital, and to take such action not in violation of law as may be necessary in order to qualify the corporation to receive funds appropriated by the United States or by the State of Alabama.

**Section 7. Borrowing by the Corporation.** All securities of the corporation shall be signed by the chairman of its board of directors and attested by its secretary but a facsimile signature of one, but not both, of such officers may be printed thereon in lieu of the manual signature of such officer, and the seal of the corporation shall be affixed thereto or a facsimile thereof printed thereon. Any interest coupons applicable to the securities of the corporation shall be signed by the chairman of the board of directors, but a facsimile of such chairman's signature may be printed on any such interest coupon in lieu of his manually signing the same. Any securities of the corporation may be executed and delivered by it at any time and from time to time, shall be in such form and denomination and of such tenor and maturity or maturities, shall contain such provisions not inconsistent herewith, and shall bear such rate or rates of interest payable and evidenced in such manner as may be provided by resolution of the board of directors. Any borrowing may be effected by sale of such securities at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board of directors to be most advantageous. Any securities issued by such corporation may thereafter at any time (whether be-

fore, at or after the maturity thereof) and from time to time be refunded by the issuance by sale or exchange of refunding securities. The corporation may pay all expenses, premiums and commissions which its board of directors may deem necessary and advantageous in connection with any financing or refunding done by it. Securities issued by the corporation shall not be general obligations of the corporation but shall be payable solely from the sources specified in the proceedings wherein the securities are authorized to be issued. As security for the payment of the principal of and interest on any securities issued by it, the corporation may mortgage, pledge or otherwise convey its property and its revenues from any source, including, but without limitation, any one or more of the following: (a) taxes which may be levied for the benefit of the corporation or the proceeds of which may have been appropriated to the corporation by the state legislature or by the governing body of a county or a municipality, (b) revenues from the operation of any hospital owned or operated by it, and (c) the revenues, rentals and receipts derived from the leasing by the corporation of any of its hospitals. Any mortgage, deed of trust, or pledge made by the corporation may contain such agreements as the board of directors may deem advisable respecting the operation, maintenance and leasing of its properties and the use of the revenues, rentals and receipts subject to such mortgage, deed of trust, or pledge and respecting the rights or duties of the parties to such instrument or the parties for the benefit of whom such instrument is made and the rights and remedies in the event of default; provided, that no such mortgage or deed of trust shall be subject to foreclosure. All debts created and securities issued by the corporation shall be solely and exclusively an obligation of the corporation and shall not create an obligation or debt of the State of Alabama or of any county or municipality. The faith and credit of the State of Alabama or of any county or municipality therein shall never be pledged for the payment of any debt incurred or securities issued by the corporation. All bonds and notes issued by the corporation shall be construed to be negotiable instruments although payable solely from a specified source. All securities issued by the corporation, the income therefrom, and all mortgages and other instruments executed as security therefor, all lease agreements made pursuant to the provisions hereof and all revenues derived from any such lease and all deeds and other documents executed by or delivered to the corporation, shall be exempt from all taxation in the State of Alabama.

**Section 8. Investment of Trust Funds in Securities of Corporation.** Unless otherwise directed by the court having jurisdiction thereof, or by the document which is the source of

authority, a fiduciary may, with the exercise of reasonable business prudence, invest trust funds in securities of the corporation for payment of the principal of and interest on which the proceeds of any ad valorem, excise, license, or privilege tax are pledged.

**Section 9. Property and Income of Corporation to be Tax Exempt.** All real, personal and mixed property that may be owned by the corporation and all income of the corporation shall be exempt from state, county, and municipal taxation.

**Section 10. One or More Corporations may be Organized.** The formation of one corporation under the provisions of this act shall not prevent the subsequent formation hereunder of another corporation by the same county and the same municipality or municipalities or another municipality or municipalities in such county.

**Section 11. Provisions Cumulative.** This act shall not be construed as a restriction or limitation upon any power, right or remedy which any corporation now in existence or hereafter formed may have in the absence thereof, and shall be construed as cumulative and independent of any statute authorizing the formation of corporations or conferring on any corporation any power, right or remedy.

**Section 12. Transfer of Funds and Property by Counties and Municipalities.** The county in which the corporation is organized and any municipality located within such county are hereby authorized to transfer and convey to the corporation, without consideration, any hospital and other properties, real or personal, and all funds and assets, tangible or intangible, relative to the ownership or operation of any hospital that may be owned by such county or municipality, as the case may be, or that may be jointly owned by the county and a municipality, and any funds owned or controlled by such county or municipality, as the case may be, or jointly by the county and a municipality, that may have been raised or allocated for any of the purposes for which the corporation shall have been organized; provided, that such transfer or conveyance shall be authorized by an ordinance or a resolution duly adopted by the governing body of such county or municipality.

**Section 13. Exemption from Usury Laws.** Each corporation organized pursuant to the provisions of this act is hereby exempted from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940, as amended.

**Section 14. Exemption from Competitive Bidding Law.** Each corporation organized pursuant to the provisions of this act is hereby exempted from the laws of the State of Alabama governing or respecting competitive bidding with respect to contracts of such corporation, including, without limitation, the provisions of Act No. 217 adopted at the 1967 Special Session of the Legislature of Alabama, as amended.

**Section 15. Severability Clause.** In the event any section, sentence, clause or provision of this act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses or provisions of this act, which shall continue effective.

**Section 16. Effective Date.** This act shall take effect immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 4:30 P.M.

Act No. 1271

S. 839—Owen

### AN ACT

Applicable to any county having a population of not less than 57,000 nor more than 61,000 according to the last federal decennial census; to provide an expense allowance for the members of the governing body of such county.

#### *Be It Enacted by the Legislature of Alabama:*

**Section 1.** Each member of the governing body of any county having a population of not less than 57,000 nor more than 61,000 according to the last federal decennial census, in the discretion of such governing body, may receive an expense allowance of not more than \$2,000 per year, the exact amount thereof to be fixed by such governing body. Such allowance shall be paid from the general funds of such county, and shall be in addition to any other expense allowance, or salary provided the members of such governing body.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 4:30 P.M.

Act No. 1272

H. 620—Timmons, Adwell, Doss, Waggoner, Erdreich, Boutwell, McBride, Bowers, Falkenburg, Boles, Jones (E), Dill, Gafford, Weeks, Ellis, Wallace

## AN ACT

To amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama 1951, page 1579, et seq) entitled as amended "An act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority in any county in which any such city may be located."

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** That Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama 1951, page 1579, et seq.) entitled as amended: "An act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969 to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority in any county in which any such city may be located," be and said Act is hereby amended to read as follows:

## ARTICLE I

## ESTABLISHMENT OF PLAN

**Section 1.** Derivation and application. The provisions of this act are derived in part from one or more of Act No. 24 of the extra session of the legislature of 1936-1937, approved January 26, 1937

(Acts of 1936-37, page 20); Act No. 512 of the regular session of the legislature of 1939, approved September 21, 1939 (Acts 1939, page 795); Subdivision 10 of Article 16 of Chapter 4 of Title 62 of the 1940 Code of Alabama (Title 62, page 322); Act No. 334 of the regular session of the legislature of 1945, approved July 6, 1945 (Loc. Acts 1945, page 144); Act No. 237 of the regular session of the legislature of 1947, approved August 4, 1947 (Loc. Acts 1947, page 144); and Act No. 470 of the regular session of the legislature of 1949, approved August 25, 1949; but nothing in the derivation of provisions of this act or in the above statement of derivation shall be construed to render this act other than an act original in form. This act shall apply to cities which have a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census, and shall not apply to any city of a lesser population according to such census.

**Section 2. Retrospective Operation.** The articles and sections of this act comprise a retirement and relief system for officers and employees of each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census, and, subject to the provisos hereinafter in this section contained, said articles and sections comprising such system for such officers and employees of each such city, shall be read, construed and have retrospective operation and effect as though enacted on the 26th day of January, 1937. Consistently, and subject to said provisos, every act, proceeding and transaction heretofore had, done, accomplished or attempted under or under color of any statute described in Section 1 shall be construed and deemed an act had, done, accomplished or attempted under the system, and the validity and effect thereof so measured and governed, and without limiting the generality of the foregoing, but still subject to said provisos, every contribution, return of contributions, refund, loan, investment, receipt, disbursement, debt, liability, contract, transaction and business to, from, of, with or affecting the pension and relief fund under any statute described in Section 1 or color thereof shall be construed and deemed as a contribution, return of contribution, refund, loan, investment, receipt, disbursement, debt, liability, contract, transaction or business to, from, of, with or affecting the retirement and relief fund under the system. The foregoing provisions of this section shall be subject to the following provisos: (a) Any sentence of the system which contains the phrase "September 19, 1939" shall be read, construed and have operation and effect as though enacted for the first time on September 19, 1939. (b) Any sentence of the system which contains the phrase "July 1, 1945," shall be read, construed and have operation and effect as though enacted for the first time at July 1, 1945.

(c). The legal effect of any payment heretofore made by any pension and relief or retirement and relief fund referred to in this act shall be measured by the law as it actually existed at the time of such payment, and any debt or liability, whether for return of contributions or other-



wise, discharged by any such payment shall not be revived by anything contained in the system and shall not constitute the basis of any claim under the system against the retirement and relief fund provided for in this act.

(d). The rights of any person who shall retire hereafter or who shall have retired heretofore from the service of his municipal employer, either voluntarily or involuntarily, and who shall be or shall have been allowed retirement benefits under the statute or system actually in existence at the time of such retirement shall, during continuance of such retirement, continue to be measured and governed by the terms of the statute or the system so in existence at the time of such retirement, and should such person die during continuance of such retirement the rights of any widow of such person shall be measured and governed by the terms of the statute or of the system in effect at the time of death of such person, and the retirement and relief fund provided as a part of the system shall secure such rights of such person and such widow. (e). Except as otherwise expressly provided in this section or in the system, the rights of any person who may or may have become separated from the service, and the rights of any privies of such person, shall be measured and governed by the statutes or of the system in effect at the time of such separation.

**Section 3. Purpose of the System.** The general purpose of the system embraced in the articles and sections of this act is the governmental one of promoting efficiency of employees in the service by partially relieving their minds of harassing fear of the consequences of loss of employment through disability, old age and otherwise and by furnishing trained employees a partial incentive to remain in the service during their years of presumptively increasing efficiency and a partial incentive to voluntarily retire and be replaced during their years of presumptively declining efficiency.

## ARTICLE II

### DEFINITIONS

**Section 1. DEFINITIONS.** The following words, terms and phrases, wherever used in this Act, including this section, shall have the meanings respectively ascribed to them in this section, unless the context plainly indicates otherwise or that a more restricted or extended meaning is intended:

“The City.” This term shall mean and have reference to each such city, separately, as may have a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census.

“The Board of Health.” The county board of health whose territorial jurisdiction includes the territory of the city.

“The system.” The system provided by and comprised within the articles and sections of this Act, and such system shall be the

system applicable in and for each such city, individually, as may have a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census.

“Date of establishment.” Date of establishment of the system for a city. The date of establishment of the system for each city which has a population of two hundred and fifty thousand or more inhabitants according to the federal census next preceding the passage of this Act shall be deemed September 1, 1937. The date of establishment of the system for each such city as does not have a population of two hundred and fifty thousand or more inhabitants according to the federal census next preceding the passage of this Act, but which may have such a population according to any federal census succeeding the passage of this Act, shall be deemed the date upon which such city first reaches such population according to such succeeding federal census.

“The fund.” The retirement and relief fund provided for as a part of the system, and shall include assets in the form of money and in other forms.

“Employer.” The City.

“Employee.” A person between whom and the city there exists the technical relationship of employer and employee, whether such person be employed through the principal governing body of the city or through a subsidiary body such as a park board.

“Qualified Employee.” Any person who on or after the date of establishment is employed by the City as a full time employee in a job other than as

- a) an officer elected by the people;
- b) a common laborer;
- c) a member of the library, museum, park, zoning adjustment boards or similar boards with active duty on an intermittent basis (i.e., not regularly upon successive business days).

“Fire and Police Employee.” Any person who, on or after the effective date of this Plan, is employed by the City as a full time fireman or policeman.

“Full Time Employee.” A salaried employee who is normally scheduled to work sixteen (16) days per month or more.

“Participant.” A qualified employee who participates in the System under Article IV hereof.

“Employee member.” A person who is simultaneously a qualified employee and a participant.

“In the service.” In the service of the city. A person shall be

deemed in the service of the city while the technical relationship of employer and employee subsists between him and the city.

"In the classified service." In the classified service as defined in any civil service statute or rule now or hereafter applicable to the city, and for the purposes of this Act only shall include full time recorders, regularly assigned to the trial of cases.

"Effective Date." The date of establishment.

"Anniversary Date." The date of establishment and the month and day thereof annually thereafter.

"Fiscal Year." The accounting year of the System which shall run from each September 1 through the August 31 next following.

"Past Service Credit" or "Prior Service Time." The credit given a Participant for employment with the City prior to the Effective Date except for such period of time for which the employee received no pay from the City.

"Future Service Credit" or "Paid Membership Time." The credit given a Participant for employment with the City subsequent to the Effective Date for which he shall have made contributions to the Fund through payroll deductions or direct payments where authorized.

"Basic Monthly Earnings" and "Monthly Salary." Basic monthly compensation exclusive of overtime pay but including longevity pay.

"Final Average Salary." The average of the four (4) consecutive years of highest compensation in the ten (10) years immediately preceding retirement after the effective date of this plan divided by twelve (12) months.

"Total Covered Payroll." The total of the basic annual salaries plus annualized longevity pay, but excluding overtime or other forms of extra compensation, of all Participants in the System at any point in time.

"Payroll Period." A period of time for which a payment of salary is ordinarily made with respect to a qualified employee.

"Board of Managers." The administrative board of the System as provided in ARTICLE III hereof.

"The Board." The Board of Managers as herein provided.

"The City Comptroller." The employee of the City whose duties are those of treasurer or chief financial employee.

"The custodian." The custodian of the fund.

"The Personnel Director." The Personnel Director provided for the city by statute or, if there be no such Personnel Director, the City Clerk, the custodian, or another, as the Board may determine.

"Council" or "City Council." The Governing body of the City.

“Clerk” or “City Clerk.” The City Clerk of the City.

“The County.” The County in which the City is located and if the City is located in more than one county, then that County in which the major portion of larger part of the City is located.

“Civil Defense Agency.” Any public organization, agency, or authority organized or existing pursuant to state law and exercising Civil Defense Functions within the city or within the city and elsewhere in the county.

“Civic Center” or “Civic Center Authority.” Any public corporation, authority or agency organized pursuant to State Law for the purpose of providing, constructing, operating, and maintaining a Civic Center in the County in which the City is located or in the City.

“Retiree.” A former Participant who has been granted a retirement allowance or a disability allowance by the Board.

“Credited Service” or “Creditable Time.” The credited service or creditable time of a Participant or employee member shall include all his paid membership time and all of his prior service time.

“Mayor.” The Mayor or Chief Executive Officer of the City.

“The Personnel Board.” The Board of Control of any Civil Service System provided for the City by statute or, if at any time there be no such Board of Control, then the Governing Body of the City.

Widow shall include Widower, spouse shall mean either husband or wife, Policeman shall include Policewoman, and Fireman shall include a female employed in the position of a fireman.

Words written in the “singular” shall include the “plural,” words in the “plural” shall include the “singular,” words of the masculine gender shall include the feminine gender and words of the feminine gender shall include the masculine gender unless the context shall clearly and absolutely indicate a restrictive meaning.

### ARTICLE III

#### ADMINISTRATION OF PLAN

##### Section 1. Board of Managers.

The System shall be administered by a Board of Managers consisting of five (5) members as follows:

- (1) The Mayor of the City, who shall serve as Chairman;
- (2) A member appointed by the Personnel Board of the City;
- (3) A Participant in the System who shall be elected by the Participants in the System;
- (4) A member appointed by the Mayor;

(5) A person who is not a Participant in the System who shall be elected by the Participants in the System.

**Section 2. Method of Selection and Term of Appointment of Board Members.**

The members of the Board of Managers, other than the Mayor who shall always serve as Chairman, shall be selected and shall serve for the term as hereafter set forth.

(1) The member appointed by the Personnel Board shall be a bona fide resident and qualified voter of the City and shall serve a four (4) year term. Should said appointed member die, resign or otherwise be unable to serve, the vacancy thus created shall be filled by the Personnel Board for the unexpired term.

(2) The first of the two members elected by the Participants in the System shall himself be a Participant in the System and shall be a bona fide resident and qualified voter of the City. In order to assure representation of all Participants in the System, if the person first elected is a member of the Fire Department or Police Department, the Participant elected to fill the next term shall be a Participant who is not an employee of the Fire Department or Police Department. Similarly, if the first member thus elected should not be an employee of the Fire Department or Police Department, the Participant elected to fill the next term shall be a Participant who is an employee of the Fire Department or Police Department. Thereafter this member shall alternate between the two groups (i.e., Fire Department or Police Department and other than the Fire Department or Police Department). In the event the Participant thus elected shall die, resign or otherwise be unable to serve, the Participant elected to fill the unexpired term shall be from the same group as was the Participant whose term as a member of the Board of Managers was vacated.

This Participant-member of the Board shall be elected by secret ballot to serve a term of four (4) years commencing on the day the result of the election is declared. The Council shall have the authority to prescribe and to change rules and regulations concerning the election of said Participant-member provided that the rules and regulations as prescribed or changed are not inconsistent with this Act.

(3) The member appointed by the Mayor shall have more than ten (10) years' experience in an executive capacity in insurance, actuarial, investment or banking work, shall be a bona fide resident and qualified voter of the County and shall serve for a four (4) year term.

(4) The second member elected by the Participants in the System shall not be a Participant in this System, shall have more than ten (10) years' experience in an executive capacity in insurance, actuarial, investment or banking work and shall be a bona fide resident and qualified voter of the County.

This non-Participant member of Board shall be elected by secret ballot to serve a term of four (4) years. The election shall be called

by the Council after thirty (30) days' notice. Nominations of persons to fill this position shall be made in writing by Participants in this System and shall be filed with the Council and the City Clerk of the City no less than ten (10) days prior to the date of the election.

In the event of a vacancy occurring during a term of this member of the Board of Managers, a replacement shall be elected by Participants in this System in the same manner as that set forth in this sub-section (4).

### **Section 3. Meetings of the Board of Managers.**

The Board of Managers shall meet on the second Wednesday in each calendar month in the office of the Chairman or such other place as the Board may designate; provided, however, that the Board shall not be required to meet unless there is pending before the Board an application for a pension, relief or benefit or unless there is pending some other matter of consideration by the Board. The Board of Managers by virtue of a resolution adopted by it may change the regular meeting from Wednesday to such other date as may be most convenient to the Board.

### **Section 4. Special Meetings of the Board of Managers.**

Any three Board members, after due notice having been given to all members of the Board, may meet in special meeting and transact any business of the Board; provided, however, the Secretary must be present and record the proceedings of the special meeting as hereinafter provided.

### **Section 5. Secretary of the Board.**

The Personnel Director shall be Secretary of the Board and shall be present at every meeting of the Board and keep a record of all proceedings of the Board and of all orders and decisions of the Board.

### **Section 6. Quorum.**

Three members of the Board, when assembled either in regular or special meeting, shall constitute a quorum for the transaction of any and all business of the Board and the affirmative vote of three members shall be necessary and sufficient to pass any motion or resolution.

### **Section 7. Compensation of Members of the Board.**

The member of the Board of Managers appointed by the Personnel Board, the member of the Board of Managers appointed by the Mayor and the non-participant member of the Board of Managers elected by the Participants in the System shall receive Ten Dollars (\$10) for each meeting attended but in no event shall receive more than Twenty Dollars (\$20) for all meetings attended in any one calendar month. No other member of the Board nor the Secretary shall receive any compensation whatever for so serving.

### **Section 8. Powers and Duties of the Board.**

The Board shall have such powers as are necessary for the proper administration of the System including, but not limited to, the following:

(1) To prescribe procedures to be followed by Participants, and their beneficiaries, in filing applications for benefits and for the furnishing for evidence necessary to establish employees' rights to such benefits;

(2) To make determinations as to the rights of any Participant or their beneficiaries applying for or receiving benefits, and to afford any such individual dissatisfied with any such determination the right of a hearing thereon;

(3) To develop procedures for the establishment of Credited Service of Participants, and, after affording Participants an opportunity to make objection with respect thereto, to establish such service conclusively in advance of retirement;

(4) To retain and pay from the fund for the services of a consultant and actuary.

(5) To receive and pay from the fund for periodic (not more often than once a year) actuarial valuations of the Plan;

(6) To retain and pay for from the fund the services of an investment advisor.

(7) To retain and pay for from the fund the services of an accountant or auditor.

(8) To obtain from the City the Plan consultants and actuaries, if any, and from the Participants such information as shall be necessary for the proper administration of the Plan and pay from the fund any reasonable expense incurred in connection therewith;

(9) To retain and pay for from the fund the services of such additional professional counsel as the Board may deem necessary for the proper management and administration of the System.

Any member of the Board may serve beyond his term until a successor is appointed or elected. Any member of the Board may be removed by impeachment for corruption, malfeasance in office, or for habitual neglect of duty.

### **Section 9. The Fund and its Investment.**

(a) The fund shall include all assets of the fund in any form, and the city comptroller shall be, ex officio, the custodian of the fund. The custodian shall keep a separate account of the fund and of all assets and liabilities thereof and of all receipts and disbursements thereof and of all prior service time and paid membership time of employee members. The custodian shall keep all monies of the fund in a separate bank account. The custodian shall keep in force and effect

a bond in a penal amount equal to the total amount of monies and securities in his custody or possession, but in no event in excess of fifty thousand dollars (\$50,000), payable to the Board and conditioned for faithful performance of his duties and for faithful accounting to the Board for all monies, securities and property coming into his custody or possession as such custodian. Such bond shall be executed by a surety company authorized to do business in the State of Alabama, and the premium on such bond, and all necessary expenses of the Board, shall be paid out of the fund upon order of the Board. All bonds and securities acquired for the fund and which are registerable as to principal shall be registered by the custodian in the name of the system promptly upon acquisition and shall remain so registered until sold or otherwise disposed of by authority of the Board. The Board shall select a banking institution located within the territorial jurisdiction of the city as subcustodian of securities, with authority to collect and remit to the custodian principal and interest of securities entrusted to its custody as the same may mature, and pay it such reasonable fees or compensation for its services as the Board may deem proper, and the Board may, if it sees fit, waive bond of such institution as subcustodian so long as the net worth of the subcustodian exceeds one and one-half times the total par value of the securities entrusted to its custody. Securities in the custody of such subcustodian shall not be counted as in the custody of the custodian for the purpose of computing the amount of the custodian's bond. The Board is authorized to accept and receive gifts, donations, or legacies for the fund, and to administer same as may be directed by the donors. In the adjudication of claims against the fund, the records of the city comptroller and custodian made and kept for the purpose of this act shall be deemed *prima facie*, to speak the truth.

(b) The Board of Managers shall have the sole and absolute discretion, if they deem it advisable to invest, reinvest and have invested and reinvested all funds of the System, real and personal subject to the limitations herein provided. The Board is authorized to borrow money up to the par value of the securities of the fund and to pledge such securities for repayment of the money borrowed. No money of the fund shall be invested, paid out or disbursed except pursuant to order or authorization of the Board. The Board shall be trustee, and have entire management and control of the fund, and shall direct investment of monies of the fund not needed to meet disbursements provided for in this Act in the loans to members hereinabove referred to and in bonds of the United States Government, or general obligation bonds of the State of Alabama, or general obligation bonds of any municipality or county of the State of Alabama, or in Federal Savings and Loan Associations, or in other corporations having Federal Savings and Loan Association's guarantee, or in bonds or common or preferred stock or corporations organized under Federal laws or the laws of any State of the United States, or may invest in certificates of deposit or bonds issued by banks organized under Federal laws or under laws of the State of Alabama; provided, however, that not more



than ten thousand dollars shall be invested in any one Federal Savings and Loan Association; or in any one corporation having Federal Savings and Loan Association's guarantee; and provided, further, that no funds shall be invested in bonds or common or preferred stock of private corporations unless such bonds or common or preferred stock are listed upon Exchanges subject to the jurisdiction of the Securities and Exchange Commission and the aggregate value of the funds invested in such bonds and stocks of corporations last referred to above shall not exceed fifty per cent (50%) of all the funds available in the system for investments, nor shall the total investment in common or preferred stocks of such corporations exceed twenty-five per cent (25%) of all the funds available in the system for investments.

### **Section 10. Legislative Reports.**

In addition to periodic actuarial valuations of the Fund which the Board may from time to time require, the Board shall, prior to the first day of March of every uneven year, transmit to each member of the Alabama House of Representatives representing the County or any part thereof, and to each member of the Alabama Senate from every Senatorial District within the County or partly within the County an actuarial analysis of the System as of the end of the City's fiscal year immediately preceding said report specifically answering the following questions:

(1) Are the contributions to the Fund sufficient to pay the benefits provided herein? If not, what additional contributions are necessary?

(2) Are the benefits provided herein sufficient in amount to consume the contributions required herein, or are they as large as to render the Fund insolvent; and in the event of the finding of either contingency, what adjustments should be made?

(3) What provision should be made either in contributions by employees or by the City to render the Fund solvent with respect to allowances made for prior service?

In addition to the foregoing, the Board of Managers shall transmit to said Representatives and Senators the following:

(1) A draft of such laws as the Board deems necessary to keep or make the Fund actuarially solvent, and of such laws as the Board believes would improve the Pension System; and

(2) A recital of the reasons for the recommendations of the proposed laws; detailed and specific recommendations as to what benefits should be reduced, or what additional contributions should be made, to the end that the Fund will be solvent, safe and sound for the protection of the employees covered thereby.

### **Section 11. Appeal of Decisions of the Board.**

Any decision of the Board denying a benefit claimed may be subject to review by the Circuit Court, in the manner and subject to the

limitations, herein provided. An employee may secure a review of such decision of the Board by mandamus proceedings in the Circuit Court, which he shall institute in said Court by filing therein a petition for mandamus. Said petition may designate the Board as respondent or the members thereof as respondents. Each respondent shall be served with process, unless such respondent or his or its attorney accepts service.

The petition for mandamus shall be barred if it is not filed within ninety (90) days from the date whereon the Board of Managers makes its final decision on the benefit claimed, provided written notice of such final decision of the Board shall be given by certified or registered mail, postage prepaid, and properly addressed, to the claimant or his attorney within ten (10) days after such final decision of the Board. If timely notice shall not be given as provided in the last preceding sentence, claimant shall not be barred from filing mandamus until the expiration of eighty (80) days from the mailing of notice as above provided; but in no event anything therein to the contrary notwithstanding shall said mandamus be filed after one year from the date of such final decision of the Board; provided further that no such final decision made by the said Board prior to January 1, 1969, shall be subject to review by mandamus or otherwise unless permitted by the law in effect at the time such decision was made and then only in the manner permitted by said law in effect on said date; provided further that any such final decision made by the Board after January 1, 1969, and prior to the effective date of this Act shall be governed by the eighty (80) day clause of the last preceding sentence, but in such case such mandamus proceeding shall not be filed after one year from the effective date of this Act.

In the proceedings in the Circuit Court any evidence relevant on any issue involved in the review shall be admissible, subject to the ordinary rules of evidence.

If the submission in the mandamus proceedings is solely upon the proceedings before the Board, the decision of the Board upon all matters of fact shall be final and conclusive, unless it affirmatively appears that its decision is plainly and manifestly wrong.

If in the Circuit Court evidence is received, in addition to that considered by the Board, the decision of the Board upon all matters of fact shall, nevertheless, be final and conclusive, except to the extent limited by the next following sentence. If the Circuit Court after hearing all the evidence offered determines that had the decision rendered by the Board been rendered after hearing such evidence that such decision would not have been manifestly wrong, then the Circuit Court shall sustain the decision of the Board, and if the Circuit Court, after considering all the evidence, determines that the decision rendered by the Board would have been manifestly wrong had such decision been rendered after considering all the evidence considered by the Circuit Court, then in that event the Circuit Court shall render the decision

which that Court concludes should be rendered on all the evidence considered by that Court. The provision of Section 8 of ARTICLE VI prohibiting a resolution of the Board allowing an extraordinary disability benefit unless such resolution be passed within twelve (12) months after the accident resulting in disability shall not be construed to prohibit the Circuit Court in a mandamus proceeding from rendering a judgment in favor of the claimant for extraordinary benefits even where the Circuit Court shall direct the Board to adopt a resolution in favor of the claimant in compliance with such judgment of the Circuit Court.

### **Section 12. Repeal and Amendment Reservation.**

The Legislature reserves the power to amend, alter or repeal this act, provided, however, that if any person who may be entitled to voluntarily retire and obtain a retirement allowance under this act shall so voluntarily retire before exercise of said reserved power he shall have a contractual lien upon the Fund for each and every amount to which he may be or become entitled in accordance with the terms of the law existing at the time of such voluntary retirement, and provided, further, that if any employee member becomes totally disabled before exercise of said reserved power, he shall have a contractual lien upon the Fund for each and every amount to which he may be or become entitled in accordance with the terms of the law existing at the time of commencement of such disability.

## **ARTICLE IV**

### **ELIGIBILITY TO PARTICIPATE**

#### **Section 1. General Rule—Classified Service.**

Each Qualified Employee of the City who is in the classified service including each Qualified Employee in the classified service of the police and fire departments shall be a Participant in the System, except as provided in Section 2 of this Article.

#### **Section 2. Exception to General Rule—Classified Service.**

Anything herein to the contrary notwithstanding, no member of the pension system provided by the following legislation, if such legislation is applicable to the City, shall be a member of the system:

(a) The Policemen's Pension and Relief Plan provided by Act No. 502 of the 1923 Session of the Legislature of Alabama, as amended or codified;

(b) The Firemen's Pension and Relief Plan provided by Act. No. 307 of the 1943 Session of the Legislature of Alabama, as amended (General Acts of Alabama of 1943, page 264);

(c) The Limited Policemen's Retirement and Relief System provided by Act. No. 470 of the 1955 Regular Session of the Legislature of Alabama, as amended (Acts of Alabama of 1955, page 1067); and

(d) Limited Firemen's Pension and Relief System Provided by Act No. 217 of the 1966 Special Session of the Legislature of Alabama, as amended (Acts of Alabama, Special Session 1966, page 280).

### **Section 3. General Rule—Unclassified Service.**

Each Qualified Employee of the City who is in the unclassified service shall be eligible to participate in the System provided he shall elect in writing to so participate within fifteen (15) days of his first becoming a Qualified Employee in the unclassified service.

### **Section 4. Withdrawal from System—Classified Service.**

A Participant in the System who is in the classified service shall continue to be a Participant without the right of withdrawal so long as he shall continue in the classified service. However, should such Participant cease to be in the classified service, but be employed in the unclassified service, he shall have the right to, but shall not be required to, withdraw from the System by filing an election thereof in writing with the City Comptroller. In such event he shall be entitled to a refund of contributions as provided in Section 16 of ARTICLE VI hereof and shall lose all previously established pension credit under the system.

### **Section 5. Withdrawal from System—Unclassified Service.**

A Participant in the System who is in the unclassified service shall have the right to withdraw from the System while remaining in the service by filing a written application for withdrawal with the City Comptroller. In such event, he shall be entitled to a refund from the System of an amount equal to the total of his contributions to the System less any and all benefits received from the System, and said former Participant shall lose all previously established pension credit under the System and shall thereafter be ineligible to participate in the System while continuing in the unclassified service.

### **Section 6. Transfer from Unclassified to Classified.**

A Participant transferring from the unclassified service to the classified service shall lose the right of withdrawal as provided for Participants in the unclassified service as set forth in Section 5 of this ARTICLE IV and shall continue as a Participant in the System as though his total credited service under the System had been as a classified employee. In the event that a Qualified Employee in the unclassified service who is not a Participant in the System shall transfer to the classified service, he shall not receive any pension credit for service subsequent to the Effective Date and prior to the date he became a Participant by virtue of his transferring to the classified service.

### **Section 7. Transfer of Member of Policemen's and Firemen's Pension and Relief Plan.**

In the event of the transfer of a member of any of the Pension plans referred to in Section 2 of this Article IV to a department of the

City other than the Police or Fire Department, he shall become a Participant in the System, his credited service under said predecessor plan shall be counted as credited service under the System, and his contributions to said Plan subsequent to the Effective Date, plus the City's contributions thereto in his behalf, and shall be transferred to the fund of the System.

### **Section 8. Re-Employment.**

In the event a Participant should cease to be a Participant hereunder, should elect a return of his contributions as provided in Section 16 of ARTICLE VI hereof and should be thereafter again become a Participant hereunder, he shall have the right to elect to have his previously credited service reinstated. Should he so elect, he shall be liable to the Fund for the amount of the contributions previously refunded to him and the City Comptroller shall deduct said liability from his salary in twenty (20) monthly installments of an approximately equal amount including interest from the date of such refund of contributions at such rate as the Board may from time to time determine. Alternatively, the City Comptroller shall be authorized to set such monthly installments, including interest as herein specified, over such lesser number of months as will provide for monthly installments of no less than Ten Dollars (\$10.00).

## **ARTICLE V**

### **PARTICIPANTS' AND CITY'S CONTRIBUTIONS**

#### **Section 1. Participants' Contributions.**

Each Participant shall contribute to the cost of the System, and the City shall deduct from his salary an amount equal to seven percent (7%) of his actual monthly salary and said deductions by the City shall immediately be paid into the Fund. Should the City through error, inadvertence or otherwise, neglect to make proper deduction from the fund from the salary of any employee member for any payroll period the employee member shall be liable to the fund for the amount or amounts that should have been deducted and shall pay said amount to the custodian on demand.

#### **Section 2. City's Contributions.**

At the same time the deductions attributable to Participants' contributions are paid into the Fund, the City shall pay into the Fund from its general or otherwise appropriate funds its Current Service Cost and its Past Service Cost to be determined as of the date of the commencement of each fiscal year of City as follows:

- a. The actuaries shall determine the Normal Cost of the benefits provided by the System;
- b. From the Normal Cost shall be subtracted the value of the Participants' contributions in the previous Fiscal Year;

c. The remainder thus arrived at shall be divided by the total covered payroll of all Participants as of the first day of the Fiscal Year, the resultant percentage shall be called the "Current Service Percentage" and the Current Service Percentage shall be multiplied by the total covered payroll of all Participants at the end of each Payroll Period to determine the City's "Current Service Cost" for the Payroll Period;

d. The actuaries shall determine the single sum of unfunded Accrued Liability and shall amortize it from that date over a period of thirty (30) years.

e. The unfunded Accrued Liability as amortized over thirty (30) years shall be divided by total covered payroll of all Participants, the resultant percentage shall be called the "Past Service Percentage" and the Past Service Percentage shall be multiplied by the total covered payroll of all Participants at the end of each Payroll Period to determine the City's "Past Service Cost" for the Payroll Period.

### **Section 3. Contributions Previously Required.**

Anything herein to the contrary notwithstanding, contributions of Participant and the City in effect immediately prior to the adoption of this amendatory Act shall continue to be deducted and paid into the Fund until such time as the percentages provided for in Section 2 of this Article V are determined as there required.

### **Section 4. New Participants—Credit for Service with County or Other Municipality.**

In the event a Qualified Employee becoming a Participant herein on or after September 1, 1969 shall have prior thereto been employed by the County under the provisions of a merit system applicable to the County or any municipality in the County under the provision of the merit system applicable to such municipality, he may receive credit for said prior service by paying to the City Comptroller within sixty (60) days after becoming a Participant an amount to be determined as follows:

a. There shall first be determined the salary paid said Participant each month by the County or such municipality;

b. There shall then be computed the contribution which would have been deducted had such salary been paid by the City, said contribution and deduction being determined in accordance with the provisions of this Act on the date he became a Participant in the System;

c. There shall then be determined the total of interest at the rate of four per cent (4%) per annum on the deductions which would have been made from the date they would have been made had such salary been paid by the City to the date he became a Participant in the System, and

d. The total of the deductions which would have been made plus interest at the rate of four per cent (4%) per annum as both are determined in this Section 4, shall be the amount payable.

### **Section 5. Retirees of Firemen's and Policemen's Supplemental Pension System.**

In the event of the retirement of a Policeman or a Fireman from a Supplemental Pension System, as established by Act No. 556 of the Legislature of Alabama of 1959, with twenty (20) or more but less than thirty (30) years of credited service under said System, this System shall receive from said Supplemental Pension System the monthly payments required to be paid from said System to this System from said policeman's or fireman's retirement date thereunder until the date he would have been entitled to retire under this system with thirty (30) years of credited service had he continued to serve without retiring and without interruption as a Participant in this System. The City shall then match said contributions from its general fund or other appropriate funds making said matching contributions to the Fund within thirty (30) days from the date of receipt of those funds which are to be matched.

### **Section 6. Refund of Erroneous Contributions.**

In the event contributions shall have been deducted from an employee who is not a Participant herein and shall have been paid into the Fund, said deductions shall be refunded to said employee. Similarly, any contributions made to the Fund by the City on behalf of said non-participating employee shall be refunded to the City.

## **ARTICLE VI**

### **BENEFITS**

#### **Section 1. Normal Retirement Benefit.**

A Participant, having attained age sixty (60) or older and having completed fifteen (15) or more years of credited service, or having completed thirty (30) or more years of credited service without regard to age, shall be entitled upon his voluntary retirement to a monthly retirement benefit equal to one of the following:

##### **a. Participants On or Before the first day of July Nine Years After Date of Establishment.**

With respect to a Retiree who first became a Participant on or before the first day of July after nine years after date of establishment forty per cent (40%) of his Final Average Salary, plus one and three thousand three hundred thirty four thousandths percent (1.3334%) of his Final Average Salary multiplied by his years of credited service in excess of fifteen (15) years.

##### **b. Participants after the first day of July Nine Years after Date of Establishment.**

With respect to a Retiree who first became a Participant subsequent to the first day of July after nine years after date of establishment, two percent (2%) of his Final Average Salary multiplied by his years of credited service.

Subject to the provisions of Section 19 of this ARTICLE VI, the amount of any retirement benefit provided under the provisions of this section which may have commenced to accrue in accordance with the provisions of the System shall continue to accrue throughout the life of the Retiree.

### **Section 2. Maximum Normal Retirement Benefit.**

The maximum Normal Retirement Benefit payable under the preceding Section 1 shall be sixty percent (60%) of Final Average Salary.

### **Section 3. Participants With Less than Fifteen Years Service.**

In the event a Participant with ten (10) or more but fewer than fifteen (15) years of credited service shall be terminated as a Qualified Employee subsequent to January 1, 1967 due to his having attained the age at which termination of his service as a Qualified Employee is mandatory under any law now or hereafter in effect, he shall be entitled to a monthly retirement benefit equal to two percent (2%) of his Final Average Salary multiplied by his years of credited service.

### **Section 4. Participants With More than Thirty Years of Service.**

Anything herein to the contrary notwithstanding, should a Participant retire hereunder with more than thirty (30) years of credited service, he shall be entitled to an additional monthly benefit equal to two percent (2%) of his Final Average Salary multiplied by his years of Credited Service which are in excess of thirty (30) but in no case to exceed seventy percent (70%) of his Final Average Salary.

### **Section 5. Participants Retiring under the Firemen's and Policemen's Supplemental Pension System.**

With respect to Participants who shall belong to and retire under the Supplemental Pension System established by Act No. 556 of the Legislature of Alabama after having accumulated twenty (20) or more years of credited service thereunder but prior to his having accumulated thirty (30) years of credited service hereunder, benefits payable hereunder shall commence on the date on which he would have accumulated thirty (30) years of credited service hereunder had he not retired but rather had continued in his employment with the City, without interruption, as a fireman or policeman. The annual benefit thereupon payable herefrom shall be an amount equal to that which would have been payable under Section 1 of this Article VI had he not retired but rather had continued in his employment with the City, without interruption, as a fireman or policeman, provided, however, that for the purpose of computing said benefits, Final Average Salary shall be computed as of his actual retirement date from the service.

### **Section 6. Involuntary Retirement.**

In the event a Participant shall be involuntarily retired after having completed twenty (20) or more years of credited service, he shall



be entitled to a monthly retirement benefit equal to two percent (2%) of his Final Average Salary, multiplied by his years of credited service provided however, that should said Participant be involuntarily retired prior to attaining age sixty (60), his entitlement to said monthly retirement benefit, at his retirement date, shall additionally require that within sixty (60) days of said involuntary retirement the agency governing tenure of service of City employees certify in writing to the Board that such employee has not contributed by his own fault or misconduct to said separation from service. Should such certification not be made within the prescribed time, the monthly retirement benefit thus determined shall commence upon his attainment of age sixty (60). However, should he, prior to attaining age sixty (60) and prior to the commencement of his benefits, withdraw his own contributions to the System, he shall forfeit his right to said monthly retirement benefits.

Anything herein to the contrary notwithstanding, said monthly retirement benefit shall neither commence nor be payable during any period when such involuntarily retired participant shall refuse or fail to accept employment by the City at a rate of compensation equal to that he was receiving at the time he was involuntarily retired or separated.

#### **Section 7. Ordinary Disability Allowance.**

In the event a Participant shall, after having accrued five (5) or more years of credited service, become totally disabled to perform his customary duties as an employee of the City and not be entitled to an extraordinary disability allowance, he shall in such event be entitled to a monthly ordinary disability allowance equal to two percent (2%) of his Final Average Salary multiplied by his years of credited service at the date of his disability.

Benefits payable hereunder shall commence upon the cessation of said disabled Participant's drawing a salary from the City and shall continue until such time as said Participant is no longer totally disabled to perform his said customary duties or substantially comparable duties.

The maximum ordinary disability allowance payable hereunder shall be two percent (2%) of Final Average Salary not to exceed sixty percent (60%) of Final Average Salary.

Anything herein to the contrary notwithstanding, an ordinary disability allowance shall be computed and paid throughout the continuance of such disability as provided and at the rate prescribed by the law in effect at the time of the commencement of such disability. If any disability beneficiary should become separated from the service and withdraw his contributions his right to continuance of disability benefits shall immediately cease.

#### **Section 8. Extraordinary Disability Allowance.**

In the event a Participant shall become totally disabled to perform his customary duties by reason of personal injury received as a result

of an accident arising out of and in the course of the employment in the Service and occurring at a definite time and place, then in the event such total disability shall continue until the Participant ceases to draw salary as an employee of the City such disabled Participant shall be entitled to a monthly allowance from the Fund equal to seventy per cent (70%) of his monthly salary at the time of the accident which resulted in such total disability.

Benefits payable hereunder shall commence upon the cessation of said disabled Participant's drawing a salary from the City and shall continue until such time as such Participant is no longer disabled by such injury to perform his customary duties or substantially comparable duties. If, however, such disabled Participant should, during the continuation of such disability, be separated from the service of the City and should said disability cease to exist, the Board may, in its discretion, continue him on the disability rolls until such time as in the judgment of the Board he is able to find suitable employment at a rate of pay equal or in excess of his disability allowance.

Application for an extraordinary disability allowance must be made within twelve months after the accident resulting in such disability and if granted shall be granted within twelve months after the accident resulting in such disability. Applications received thereafter shall not be considered and no extraordinary disability allowance shall be awarded with respect thereto.

Anything herein to the contrary notwithstanding, an extraordinary disability allowance heretofore or hereafter granted shall be computed and paid throughout the continuance of such disability as provided and at the rate prescribed by the law in effect at the time of the commencement of such disability. If any extraordinary disability beneficiary should become separated from the Service and withdraw his contributions his right to continuance of disability benefits shall immediately cease.

### **Section 9. Determination of Disability.**

In order for disability allowances to be awarded under Section 7 or Section 8 of the ARTICLE VI, the Board must first have satisfactory proof thereof by certification of such disability of the Participant applying for disability allowance, said certification being made by a licensed and practicing physician or surgeon. Additionally, the Board shall have the power to require further certifications of such disability by other practicing physicians and surgeons and shall have the power to require such additional proof of total disability as in its judgment it may deem necessary.

During the continuation of disability, the Board may from time to time require further certification of disability by one or more licensed and practicing physician or surgeon selected by the Board and may require such additional proof of the continuation of said disability as it deems appropriate.

With respect to extraordinary disability allowances, hypertension, heart disease or respiratory disease shall not be considered as caused by accident so as to entitle a Participant to an extraordinary disability allowance, nor shall any Participant or any other person claiming under or by reason of relationship to a Participant be entitled to an extraordinary disability allowance as a result of disability caused by hypertension, heart disease or respiratory disease, any other law, general or local, to the contrary notwithstanding. Should a former Participant who has been awarded a Disability Allowance under Section 7 or Section 8 of this ARTICLE VI resume his active duty as an employee of the City, it shall be conclusive evidence of the termination of such total disability for the purpose of the System, and any subsequent cessation of his active duty on account of disability, whether by reason of the same or a different cause, shall be treated as a new disability. However, should a Participant who shall have been awarded an extraordinary disability allowance under Section 8 hereof or is a claimant or prospective claimant therefore resume his active duty as an employee for a period not exceeding a total of one hundred eighty (180) days last ending no later than twelve (12) months following the date of the accident which gave rise to the disability for which he was awarded an extraordinary disability allowance, such resumption of active duty as an employee of the City shall not be deemed to be conclusive evidence of termination of such disability; provided, however, any provision hereof to the contrary notwithstanding, no extraordinary disability allowance shall be allowed unless granted within twelve months after the accident resulting in such disability.

In no event shall disability allowances as provided under Section 7 or Section 8 of this ARTICLE VI be payable with respect to any period of time during which the recipient of such allowances shall be actively employed by the City, shall be due or shall have been paid any salary from or by the City.

#### **Section 10. Survivor's Benefit.**

In the event of the death of a Retiree or Participant who, on the date of his death was eligible for voluntary retirement under Section 1 of this ARTICLE VI, there may be payable a monthly Survivor's Benefit equal to forty-five percent (45%) of the monthly retirement benefit which said Retiree was receiving or was entitled to receive prior to his death or which said Participant would have been entitled to receive had he retired under Section 1 of this ARTICLE VI on the day preceding his death.

#### **Section 11. Eligibility for Survivor's Benefit.**

The surviving spouse of the deceased Retiree or Participant described in Section 10 of this ARTICLE VI shall be eligible to receive a Survivor's Benefit if they continued to be legally married on the date of the death of said deceased Retiree or Participant and if said spouse were married to said deceased Retiree or Participant for

at least five (5) consecutive years during which said deceased Retiree or Participant was employed in the service of the City. Further, said surviving spouse shall continue to be eligible to receive said monthly Survivor's Benefit until she shall die or remarry, whichever shall first occur.

In the event said deceased Retiree or Participant should not be survived by his spouse or in the event the spouse should fail to qualify hereunder, a Survivor's Benefit shall be payable to the child or children of said deceased Retiree or Participant, provided, however, that no Survivor's Benefit shall be payable to such child if married or if over age (18).

### **Section 12. Service Connected Death Benefit.**

Should a Participant be killed in the line of his duty, there may be payable to his spouse and child or children a Service Connected Death Benefit which shall be determined as follows:

#### **(a) Spouse Benefit.**

The surviving spouse shall receive a monthly benefit equal to forty per cent (40%) of the monthly salary of the deceased Participant and shall additionally receive an amount equal to ten per cent (10%) of said salary for each eligible child of said deceased Participant. However, in no event shall the monthly benefit payable to the spouse hereunder exceed fifty per cent (50%) of the monthly salary of the deceased Participant.

#### **(b) Child or Children Benefit.**

Should there be no surviving spouse or should the surviving spouse fail to qualify hereunder, there shall be payable to or for the benefit of such deceased Participant's child or children a monthly benefit equal to forty per cent (40%) of the deceased Participant's Monthly salary.

#### **(c) Deceased Participant's Monthly Salary.**

For the purpose of this Section 12, the deceased Participant's monthly salary shall mean his Final Average Salary except that with respect to a Participant who should be killed in the line of service prior to having accumulated five (5) years of Credited Service hereunder, it shall mean his monthly salary as of the date of the injury which resulted in his death.

### **Section 13. Eligibility for Service Connected Death Benefit**

The surviving widow of the deceased Participant described in Section 11 of this Article shall be eligible to receive a Service Connected Death Benefit if they continued to be legally married on the date of the death of said deceased Participant. Further, said surviving spouse shall continue to be eligible to receive said monthly Service Connected Death Benefit until she shall die or remarry, whichever shall first occur.

Service Connected Death Benefits attributable or payable to or on behalf of said deceased Participant's child or children shall only be payable with respect to such child or children who are both unmarried and eighteen (18) years of age or younger except that with respect to an unmarried child or children who shall continue to be a student regularly attending school, benefits shall continue to be payable until they attain age twenty-two (22).

#### **Section 14. Firemen's and Policemen's Supplemental Pension System — Widow's Pension.**

In the event a fireman or policeman shall retire under the Supplemental Pension System established by Act No. 556 of the Legislature of Alabama after having accumulated twenty (20) years of credited service thereunder and shall die prior to the date on which he would have accumulated thirty (30) years of credited service under this System had he not retired but rather had he continued in his employment with the City, without interruption, as a fireman or policeman, his widow shall not receive any benefit herefrom. However, should said retired fireman or policeman die subsequent to the date on which he would have accumulated thirty (30) years of credited service hereunder, and should he be survived by a widow to whom he was married for at least five (5) years while an active employee, said widow shall be entitled to receive until such time as she should remarry a monthly widow's pension in an amount equal to forty-five per cent (45%) of the monthly retirement benefit which her husband was receiving or entitled to receive on the date of his death as if such widow was entitled to a benefit under Sections 10 and 11 of this ARTICLE.

#### **Section 15. Death Prior to Retirement-Return of Contributions.**

In the event a Participant shall die prior to retirement and without a surviving spouse or children eligible for benefits hereunder, there shall be payable an amount equal to his total contributions to the System, without interest, less an amount equal to one-half (½) the total of all Disability Retirement benefits paid to said deceased Participant prior to his death.

#### **Section 16. Termination of Employment or Ineligibility-Return of Contributions**

In the event a Participant shall terminate or be terminated from his employment with the City for any reason whatever, in the event a Participant shall cease to be eligible for participation herein or in the event a Participant herein shall cease to be a classified employee and shall elect to terminate his participation in the System, there shall be payable to said former Participant an amount equal to his total contributions to the System, without interest, less an amount equal to one-half (½) the total of all disability retirement benefits paid to said former Participant; provided, however, that this section shall not require a return of contributions to an involuntary retiree who

elects not to withdraw his contributions pursuant to Section 6 of the ARTICLE VI.

**Section 17. Payment of Return of Contributions.**

A return of contributions, as provided herein, shall be payable to said former Participant, if living, and otherwise to his personal representative who may qualify as such and make demand for payment within sixty days after death of such former Participant or if there be no such qualification and demand to his named beneficiary. In the event said former Participant shall have died and shall have not, while an active Participant in the System, designated a beneficiary in writing, said return of contributions shall be paid in the following order of preference:

- (1) To his Personal Representative if one qualifies and makes demand therefor within sixty days after the death of such Participant;
- (2) To his surviving spouse;
- (3) To his surviving children in equal shares;
- (4) To his surviving parents in equal shares;
- (5) To his surviving brothers and sisters in equal shares.

**Section 18. Designation of Severance Beneficiary.**

The custodian shall keep a book or record in which any employee member may designate the name of a person to receive return of contributions made by him in the event of his death prior to commencement of accrual of a retirement allowance in his favor. Any such designation may be changed from time to time by the employee member. Each such designation shall be signed and dated by the employee member, and the last signed and dated designation shall prevail over any former designation. The rights of the last designated severance nominee shall be governed by Section 17.

If a fireman or policeman has executed an instrument providing for the Board of Managers of the Supplemental Pension System established by Act No. 556 of the Legislature of Alabama of 1959, approved November 19, 1959, Acts of Alabama of 1959, page 1376, et seq., to receive return of contributions made by him in the event of his death, then the right of the said Board of Managers to receive the return of said contributions shall prevail over the claim of the severance nominee, or spouse, or children, or father, or mother, or sisters or brothers or personal representatives of such deceased fireman or policeman.

**Section 19. Payment of Benefits During Period of Re-Employment.**

Anything herein to the contrary notwithstanding, no retirement benefits of whatever kind or description shall be payable to any former Participant for any period during which said former Participant

is employed by the City, is due a salary from the City or has been paid a salary by the City.

### **Section 20. Determination of Right to Benefits.**

The determination of the rights of a Retiree to benefits or survivors to death or other benefits under this System shall be determined on the basis of the law governing the System which is in effect on the date of retirement of said Retiree or death of said Participant as the case may be and the right of any beneficiaries or contingent payees as herein provided shall be determined on the basis of the law governing this System which is in effect on the date of the death of the Retiree or Participant which gave rise to the rights of said beneficiary or contingent payee.

### **Section 21. Payment of Benefits to Minor Children.**

In the event that benefits become payable hereunder to minor children, payments shall be made to the legal guardian of said minor children or, in the absence of a legal guardian, to the person who has custody of said children, provided, however, that the benefit shall be payable to the use and benefit of said children.

### **Section 22. Law Applicable to the Measurement of Benefits.**

The rights of any person heretofore or hereafter retired shall continue to be measured and governed by the terms of the System in effect at the time of such retirement and should such person die during continuance of such retirement the right of the spouse, child or children of such deceased retired person and the rights of the spouse, child or children of any other deceased person or Participant shall be measured and governed by the terms of the System in effect at the time of the death of such deceased person or Participant.

## **ARTICLE VII**

### **PARTICIPANT LOANS**

#### **Section 1. Loans to Participants.**

The Board shall have the right to lend to any employee member from the fund such an amount of money as will not cause the aggregate of indebtedness of the employee member to the fund immediately after such loan to exceed fifty per cent (50%) of the amount of contributions returnable to him, or those claiming under him, were he to become separated from the service immediately after such loan. Interest on such loan shall be charged at the rate of six per cent per annum. Provided, however, that if an employee member is a fireman or policeman belonging to a Supplemental Pension System established by Act No. 556 of the 1959 Session of the Legislature of Alabama, approved November 19, 1959 (Ala. Acts, 1959, p. 1376) the Board shall have the right to lend such employee member from the fund such an amount of money as will not cause the aggregate of indebtedness of such employee member to the fund im-

mediately after such loan to exceed fifty per cent (50%) of the aggregate amount of contributions returnable to him, or those claiming under him by provision of this Act and provision of said Act No. 556, were he to become separated from the service immediately after such loan.

### **Section 2. Repayment of Loan.**

Any loan made to a Participant from the Fund pursuant to section 1 of this ARTICLE VII shall be repayable in either monthly, quarterly, semi-annual or annual installments over a period not to exceed twenty-four months from the date of issuance of such loan as the Board in its discretion may require and at an interest rate of six per cent (6%) per annum.

### **Section 3. Life Insurance.**

Should a Participant obtaining a loan hereunder request the Board to secure a policy of insurance on his life providing for the insurance company to repay the unpaid balance of said loan in the event of his death, the Board shall secure and make available such insurance, if obtainable, at the Participant's expense. In no event shall the amount of life insurance thus obtainable exceed the unpaid balance of the loan attributable to the Participant applying therefor.

## **ARTICLE VIII**

### **MISCELLANEOUS**

#### **Section 1. Liabilities of Employee Members to Fund.**

Any debt or liability of a Participant to the Fund or to the City shall be offset against, and deducted from, any amount due from the Fund to the employee member or those claiming under him either as return of contributions or as disability or retirement payments, and only the balance, if any, shall be payable by the Fund.

#### **Section 2. False Representations.**

It shall be a misdemeanor, and punishable as such, for any Participant or beneficiary to knowingly make any false representation to the Board or to the Secretary of the Board or to the City Comptroller or the custodian or to any investigator or agent of the Board with respect to any matter pertaining to the administration of the System.

#### **Section 3. Exemptions.**

Neither all nor any portion of the Fund, whether in cash, securities or otherwise, nor any income or yield thereof, shall be subject to, or exacted on account of, any tax. No retirement or disability allowance nor any amount payable thereunder shall be subject to assignment or to any process for the collection of debts, provided this shall not apply to assignments or debts to the Fund or to the City. Except with respect to the return of contributions provided for in Section 16 of ARTICLE VI, no liability of the Fund for return of contributions shall



be subject to assignment, and, subject to the provisions of Section 17 of ARTICLE VI in relation to payment to personal representatives, no liability of the Fund for return of contributions shall be subject to any process for the collection of debts.

#### **Section 4. Members in Armed Forces.**

If any participant, either before July 1, 1945, and after October 16, 1940, or after July 1, 1945, and prior to declaration by the Congress or President of the United States of termination of the unlimited national emergency declared by the President in his proclamation of May 27, 1941, shall have left the service for the purpose of entering the armed forces of the United States, after having been in the service for at least one year next before such leaving, and shall have left in the Fund all contributions made by him prior to such leaving, and shall have resumed a position of qualified employee in the service of the City within forty days after his separation from such armed forces, and, in any event, within one year after declaration by the Congress or the President of the United States of termination of the unlimited national emergency declared by said President in said proclamation of May 27, 1941, and shall not have been dishonorably discharged from such armed forces, then, and in all such events, the City shall promptly pay into the Fund an amount double that which the Participant would have contributed to the Fund from his salary had he continued in the service of the City as a Participant throughout the period between the time of so leaving the service and the time of resumption of position in the service at the same rate of pay he was receiving at the time he so left the service, and, upon such payment into the Fund, the Participant shall be entitled to count as credited service the entire aforesaid period, provided, however, that if such Participant becomes disabled to perform his customary duties at any time within two years after such resumption of position, the amount of any benefits to which he might otherwise be entitled hereunder for any period shall be reduced by any amount paid or payable to him by the federal government for the same period, and provided further that no part of such payment by the City shall be returnable by the Fund under any provision of the System for return of contributions made by Participants. In order to extend the benefits of this Section to some "Korean Veterans" to whom such benefits would not otherwise extend, the unlimited national emergency declared by the President of the United States in his proclamation of May 27, 1941, shall, for the purposes of this Section, be deemed to have been by the Congress or the said President declared terminated at midnight, January 31, 1955, the time designated by the President in Executive Order No. 10585, dated January 1, 1955, "as the date of termination of combatant activities" in the Korean Zone and also the time fixed by said President in Proclamation No. 3080, dated January 1, 1955, as a terminal time for various purposes in respect of service in the Armed Forces.

In order to extend the benefits of this Section to other veterans to whom such benefits would not otherwise extend, it is hereby pro-

vided that if any Participant shall have left the service prior to April 20, 1954, for the purpose of serving in the armed forces of the United States after having been in the service of the City for at least one year next before leaving, and shall have entered such armed forces promptly after such leaving, and shall have left in the Fund all contributions made by him prior to such leaving, and shall have resumed a position of Participant in the service within forty days after his separation from such armed forces, and in any event prior to the 21st day of May, 1956, and shall not have been dishonorably discharged from such armed forces, then and in all such events, the City shall promptly pay into the Fund an amount double that which the employee would have contributed to the Fund from his salary had he continued in the service as a Participant throughout the period between the time of so leaving the service and the time of resumption of position in the service at the same rate of pay he was receiving at the time he so left the service, and, upon such payment into the Fund, the Participant shall be entitled to count as credited service the entire aforesaid period, provided, however, that if such Participant becomes disabled to perform his customary duties at any time within two years after such resumption of position, the amount of any benefits to which he might otherwise be entitled hereunder for any period shall be reduced by any amount paid or payable to him by the federal government for the same period, and provided further that no part of such payment by the City shall be returnable by the Fund under any provision of the System for return of contributions made by Participants.

As hereafter used in this Section 4, the term "period of hostilities" means any period subsequent to April 20, 1954, when the United States was, is or shall be engaged in hostilities with any foreign state, whether as a result of a declared war or not. In order to further extend the benefits of this Section to other veterans to whom such benefits would not otherwise extend, it is hereby provided that if any Participant shall have left the service subsequent to April 20, 1954, for the purpose of serving in the armed forces of the United States, during a period of hostilities, after having been in the service for at least one year next before such leaving and shall have entered such armed forces promptly after such leaving, and shall have left in the Fund all contributions made by him prior to such leaving, and shall have resumed a position of qualified employee in the service within forty (40) days after his separation from such armed forces, and shall not have been dishonorably discharged from such armed forces, then in all such events the City shall promptly pay into the Fund an amount double that which the employee would have contributed to the Fund from his salary had he continued in the service as a Participant throughout the period between the time of so leaving the service and the time of resumption of position in the service at the same rate of pay he was receiving at the time he so left the service, and, upon such payment into the Fund, the Participant shall be entitled to count as credited service the entire aforesaid period, provided, however, that if such Participant becomes disabled to perform his customary duties at any time within

two years after such resumption of position, the amount of any benefits to which he might otherwise be entitled under Section 7 of ARTICLE VI for any period shall be reduced by any amount paid or payable to him by the federal government for the same period, and provided further that no part of such payment by the City shall be returnable to the Fund under any provision of the System for return of contributions made by Participants.

Anything to the contrary contained in this Section notwithstanding, no Participant who has entered the Armed Forces of the United States subsequent to April 20, 1954, and who otherwise qualifies for the benefits provided herein, shall be entitled to receive such benefits upon return to service unless he shall return to such service within five (5) years after having left such service to enter said Armed Forces.

## **ARTICLE IX**

### **CONSTRUCTIVE SUBSIDIARIES OF THE CITY**

#### **Section 1. Participants in the System.**

It being recognized that it is desirable to allow as participants in the System employees of certain departments and authorities, the employees of the following such employers shall be included as constructive employees of the City and as participants in the System under the terms and conditions set forth herein subject only to any qualifications or limitations hereinafter provided.

#### **Section 2. Board of Health**

Employees of the Board of Health shall be deemed constructively employees of the City during all their time in the service of Said Board of Health, whether past, present or future, and the retrospective and prospective terms of the System shall be retrospectively applied to such constructive employees as fully and restrictively, and with like effect as though said Board of Health were actually such subsidiary board or department at all times past, present and future, and as though employees thereof were actually employees of the City at all times while in the service of said Board of Health, past, present or future. For the purposes of application of the terms of the System, such constructive employees of the City shall be deemed as in the classified service of the City during such period or periods, whether past, present or future, as they may be or may have been subject to the same civil service system as that to which employees of the City may be or may have been contemporaneously subject, and shall be governed accordingly by the retrospective and prospective provisions of the System. However, any such constructive employee who may or may have become an employee member after the Effective Date by virtue of Section 1, Article IV hereof shall be entitled to count as creditable time his prior service as well as his paid membership time. In case of existence in the same county of two cities having a population of two hundred and fifty thousand or more inhabitants that

one which first entered such population class shall be deemed the City referred to in this and the next succeeding four sections.

### **Section 3. Civic Center.**

For the purpose of the application of the System to the extent herein provided, and for that purpose only, and except as may be otherwise or differently provided herein, the employment by Civic Center of employee members shall be deemed constructive employment by the City during all of their time in the service of Civic Center after the adoption of this Section 3, with like effect as though said employee members, while working for Civic Center, were actually working as employees of the City, subject to this pension system; provided, however, that this Section shall not apply unless all of the conditions hereinafter specified are met.

This Section 3 shall not apply to any employee member unless within thirty (30) days after he leaves the service of the City he is employed by Civic Center on a salary payable at regular specified intervals; any person employed by Civic Center on a part time basis before he leaves, or when he leaves, the service of the City shall be within the scope of the next foregoing sentence, if he continues in the employ of Civic Center.

This Section 3 shall not apply unless the employee member leaves in the System Fund the contributions made by him to the Fund.

This Section shall not apply unless, within the time below stated, Civic Center gives written notice to the Board of Managers that Civic Center elects for this said Section 3 of Article IX of this Act to apply to the employment of said employee member by Civic Center. This Section shall not apply unless the Board of Managers receives such notice within forty-five (45) days of the employee member's leaving the service of the City; provided, however, that the said Board may in its discretion accept and treat as binding such notice received after that time, if the Board finds that delay in forwarding the notice was justified.

After giving any such notice, it shall be the duty of Civic Center to make or cause to be made and paid into the pension fund deductions from the salary of its employee who is the subject to such notice, and to do so in all respects as is provided by the System for the City to make deductions and pay into the Fund from salaries of its employees who are employee members, and it shall be the further duty of Civic Center to make matching contributions to the Fund from its own funds in respect to any employee who is the subject of any such notice, in all respects as it is made the duty of the city to make matching contributions in respect of its employees who are employee members, and it shall be the further duty of Civic Center to fully cooperate with the Board of Managers, the City Comptroller and the Custodian in the administration of the System.

After the Board of Managers receives the said certificate from Civic Center, the election made by Civic Center for this Section to apply to the employee member named in the certificate shall be irrevocable.

#### **Section 4. Civil Defense Agency.**

For the purpose of application of the terms of the System, and for such purpose only, and except as may be hereinafter otherwise or differently provided in this Section 6 of this Article, on and after September 1, 1969, the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of the City shall be deemed constructively a subsidiary board or department of the City during said Civil Defense Agency's subsequent existence, and the employees thereof in the classified service shall be deemed constructively employees of the City during all their time in the service of said Civil Defense Agency subsequent to September 1, 1969, and thereafter the terms of the System shall be prospectively applied to such constructive employees as fully and restrictively, and with like effect, as though said Civil Defense Agency were actually such subsidiary board or department and as though employees thereof in the classified service were actually employees of the City at all times while in the service of said Civil Defense Agency subsequent to September 1, 1969.

#### **Section 5. Duties of the Board of Health.**

After July 1, 1945, it shall be the duty of the Board of Health, as an independent agency and not as a subsidiary board or department of the City, to make or cause to be made and paid into the Fund deductions from the salaries of all of its employees who are employee members, and to do so in all respects as is provided by the System for the City to make deductions and pay into the Fund from salaries of its employees who are employee members, and it shall be the further duty of the Board of Health, as such independent agency, to make matching contributions to the Fund from its own funds in respect of its employees who are employee members, in all respects as it is made the duty of the City to make matching contributions in respect of its employees who are employee members, and it shall be the further duty of the Board of Health, as such independent agency, to fully cooperate with the Board of Managers, the City Comptroller and the Custodian in the administration of the System, and, thereinabout, to make available to them all such records and information pertaining to employees of the Board of Health as they or either of them may request for the purpose of administration of the System.

#### **Section 5. Duties of the Civil Defense Agency.**

After September 1, 1969, it shall be the duty of said Civil Defense Agency, as an independent agency and not as a subsidiary board or department of the City, to make or cause to be made and paid into the Fund deductions from the salaries of all its employees who are employee members, and to do so in all respects as is provided by the

System for the City to make deductions and pay into the Fund from salaries of its employees who are employee members, and it shall be the further duty of said Civil Defense Agency as such independent agency to make matching contributions to the Fund from its own funds in respect of its employees who are employee members in all respects as it is made the duty of the City to make matching contributions in respect of its employees who are employee members, and it shall be the further duty of said Civil Defense Agency as such independent agency to fully cooperate with the Board of Managers, the City Comptroller and the Custodian in the administration of the System, and, thereinabout, to make available to them all such records and information pertaining to employees of Civil Defense as they or either of them may request for the purpose of administration of the System.

## ARTICLE X

### SEVERABILITY

**Section 1.** The provisions of this Act shall be severable. Should any Article, section or provision hereof be held invalid or unenforceable by a Court of competent jurisdiction, such holding shall not invalidate or render unenforceable the remaining sections or provisions hereof.

**Section 2.** This Amendatory Act shall become effective on the first day of the calendar month next succeeding the calendar month in which this Act shall be approved by the Governor, or otherwise become a law.

Approved September 18, 1973

Time: 4:30 P.M.

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Act No. 1273

S. 871—Horne

### AN ACT

Relating to Lee County: To create and establish in Lee County a court with county-wide limited jurisdiction of criminal cases, civil actions formerly at law and of juvenile cases, and court to be known as the District Court of Lee County, Alabama; providing it with officers and employees and prescribing their powers, duties, compensation, their terms of office and the manner of their selection, appointment and election; establishing criminal, civil, juvenile and small claims divisions in said court, and regulating the procedure, process, costs and charges of such divisions; abolishing the Court of Common Pleas of Lee County, providing for the transfer and trial of cases pending in the Court of Common Pleas of Lee County, at the time this Act takes effect, to the District Court of Lee County, Alabama; and repealing conflicting laws.

*Be It Enacted by the Legislature of Alabama:*

### **Section 41. District Court Created.**

There is hereby established in Lee County a court with county-wide limited jurisdiction of criminal cases and civil actions formerly at law. The court shall be known as the "District Court of Lee County, Alabama". It shall be in lieu of the Court of Common Pleas of said county which is abolished as of the effective date of this Act. The District Court of Lee County shall be comprised of four divisions as follows: civil, criminal, juvenile and small claims, as provided herein.

### **Section 2. Jurisdiction.**

(a) Except as provided in Subsection (b) following, the court shall have power to exercise jurisdiction in all actions, causes, matters, proceedings and cases (including paternity proceedings, actions for unlawful detainer and for the recovery of possession of land, except actions in ejectment or actions in the nature of actions in ejectment), cognizable before the circuit court, or a county court, a juvenile court, or a justice court, and all courts of like jurisdictions. It shall have authority to punish contempts by fine not exceeding \$50.00, and imprisonment not exceeding five days. It may adopt and enforce rules and regulations relative to pleading, procedure and practice, provided such rules and regulations are consistent with the Rules of Civil Procedure as adopted by the Supreme Court.

(b) The Court shall not have power to try persons charged with felonies. It shall not have jurisdiction of any civil action when the matter or sum in controversy exceeds \$2,000.00, nor take cognizance of any matter or proceeding formerly in equity, except as set out in Section 7, relating to the Juvenile Division of this Court.

(c) The court may adopt and enforce rules and regulations for pleading, practice and procedures in civil, criminal, juvenile and small claims cases consistent with the rules of civil and criminal procedure adopted for the circuit courts except as provided herein.

### **Section 3. Judge.**

(a) A judge of the District Court shall be elected by the qualified electors of the county at the general election of 1974, and every four years thereafter. His term shall be for four years from the first Monday after the second Tuesday in January next succeeding his election, and until his successor is elected and qualified.

(b) The judge shall, before entering upon the discharge of the duties of office, take the oath prescribed by the Constitution. He may be removed from office for any cause

enumerated in the Constitution, in the manner provided by law. No person shall be eligible for the office of judge unless he is, at the time of his appointment or election, a qualified elector of Lee County, learned in the law and licensed to practice law in this State. The judge shall not engage in the practice of civil or criminal law, and shall be subject to the same penalties and obligations as circuit judges. Any vacancy occurring in the office of judge shall be filled by appointment as provided in the Constitution.

(c) The judge shall receive an annual salary of \$20,000.00, payable out of the general fund of the county in equal monthly installments.

(d) The judge shall have authority to: (1) grant writs of habeas corpus and all other remedial and original writs which are granted by the circuit judges; (2) grant writs of injunction and repleat returnable to a court of proper jurisdiction, (3) administer oaths and take acknowledgements; (4) issue search warrants; (5) exercise such other powers, jurisdiction, or authority as may be conferred by law upon circuit judges, and judges of juvenile and county courts or district courts which may be hereafter created.

(e) The judge shall keep an office in the county courthouse, or such other place as shall be provided by the governing body of the county. His office shall be suitably equipped, furnished and provided at the expense of the county with such office supplies, telephone service, stationery, stamps, furniture, fixtures, and other materials as may be necessary for the transaction of the business of the court. The judge shall employ, at his discretion, such officers and employees as may be necessary to conduct the operation of the District Court and all of its divisions as provided in this Act, and shall fix their salaries with the approval of the county governing body. The judge, and all such officers and employees, shall be deemed to be employees of Lee County, Alabama.

#### Section 4. Sessions.

The District Court of Lee County, Alabama, shall be open for the transaction of any and all business or judicial proceedings of every kind within its jurisdiction at all times. Sessions of the court shall be held at the county courthouse or in such other places as may be determined by the judge to be necessary, and any additional facilities required by the judge for the court shall be provided by the county governing body. The judge of said court shall determine and fix by order spread upon the minutes a regular time of holding the sessions of said court as necessary for the orderly and speedy trial of all cases.



### **Section 5. Civil Division.**

(a) The judge of the District Court of Lee County shall preside over the Civil Division hereby established for said court. Except as otherwise provided in this Act, the practice, procedure and process of the Civil Division of the District Court of Lee County shall be governed by the Alabama Rules of Civil Procedure, and statutes governing commencement and conduct of civil actions in the circuit courts.

(b) In civil actions when the summons, writ of attachment, summons and complaint in attachment, or other process has been executed on the defendant, or service perfected on him as required by law, the defendant shall appear and respond thereto within fifteen days, and the process issued shall so recite.

(c) The Civil Division of the District Court of Lee County shall not draw, organize, or empanel any jury for the trial of civil cases. The judge shall decide all issues of fact without the intervention of a jury.

(d) The sheriff shall attend the sessions of the District Court of Lee County in person or by deputy. He shall execute all writs and processes of the Civil Division of the District Court of Lee County, and perform the same duties as he would be required to perform in the circuit court.

(e) The party in whose favor a judgment is rendered shall have all the rights, remedies and privileges with respect to the registration and enforcement thereof as are provided by statute.

(f) All garnishment proceedings shall be governed by the provisions of Chapter 27 of Title 7, Code of Alabama, 1940, as amended, except that the garnishee shall appear and respond within fifteen days after service of process is perfected on him, and the process shall so recite.

### **Section 6. Criminal Division.**

(a) The judge of the District Court of Lee County shall preside over the Criminal Division of said Court. Prosecutions may be commenced in the Criminal Division of the District Court of Lee County upon the sworn complaint made to the judge of the court, who shall issue a warrant of arrest if he is reasonably satisfied that the offense has been committed and that there is reasonable cause to believe that the accused is guilty, or upon sworn complaint made as prescribed by law, the case shall be docketed for trial, and the trial shall be held and conducted as trials after indictments. The clerk shall keep a record of all

complaints made and all warrants issued. If the original complaint or warrant is lost, mislaid, or destroyed, a certified copy of the same shall be sufficient for the arraignment and trial of the accused.

(b) All warrants issued in Lee County for misdemeanors for violation of the rules of the road and other misdemeanors defined or provided for in Code of Alabama, Title 36 as amended, shall be returnable to the District Court and shall be tried there.

(c) Either the District Attorney or the Assistant District Attorney for the judicial circuit in which Lee County is situated shall attend the sessions of the criminal division of the court, and shall conduct all criminal prosecutions in the court.

(d) The sheriff shall attend the sessions of the criminal division of the court in person or by deputy. He shall execute and serve all warrants and processes of the criminal court, and perform the same duties as he would be required to perform in the circuit court.

(e) The criminal division of the District Court shall not draw, organize, or empanel grand or petit juries. The judge shall decide all issues of fact without the intervention of a jury.

(f) In addition to the fines and forfeitures now provided by law to be paid into the general fund of Lee County, Alabama, one-half of all other fines and forfeitures collected in this court shall be paid into the general fund of Lee County, for the use of said county.

## **Section 7. Juvenile Division.**

(a) **Jurisdiction.** The judge of the District Court of Lee County shall preside over the Juvenile Division of said court. The Juvenile Division shall have all of the powers and jurisdiction conferred by law upon Juvenile Courts, including specifically Chapter 7 of Title 13, and Chapter 11 of Title 52, all of Code of Alabama, 1940, as amended or recodified. In addition to the foregoing statutory jurisdiction pertaining to juveniles, while it is exercising its juvenile jurisdiction the District Court shall also have the general powers of equity courts in the exercise of their inherent equity jurisdiction to protect and care for children under the doctrine of *parens patriae*.

(b) **Jury Trial.** When a juvenile defendant is entitled to a trial by jury upon making timely demand therefor, or at the discretion of the judge, the judge shall empanel a jury to decide questions of fact in proceedings involving juveniles which would be criminal prosecutions except for the age of the juvenile. In the event a jury venire has been empanelled for the circuit court at the time a juvenile case is being tried, the judge may direct

that the jury be selected from such circuit court jury venire. Any adult charged with a violation of law pertaining to juveniles shall be tried by the court as in the Criminal Division thereof.

**(c) Juvenile Officers and Probation Officers.** The Judge of the Juvenile Court of Lee County, Alabama, may appoint one full-time juvenile court officer to conduct investigations and make reports in juvenile cases and to perform such other duties as the Judge may require. Such juvenile court officer need not possess the qualifications prescribed by law for probation officers. The Judge may also appoint such probation officers, possessing all the qualifications prescribed by law for probation officers, as are needed for the proper functioning of the juvenile court. It shall be the duty of the probation officers to assist the Court in the rehabilitation of children made wards of the court and of the State of Alabama, and any other children or persons who are proper subjects of this Court's juvenile jurisdiction. The probation officer shall supervise persons placed on probation by the Court in its capacities as a juvenile court, and investigate cases involving delinquency, dependency, neglect and suspected child abuse, and other related areas involving the welfare of juveniles and their families, and make proper reports to the Court as requested by the Judge or District Attorney. The probation officers may refer to the Department of Pensions and Security for investigation cases involving dependency, neglect and suspected child abuse. The compensation of the juvenile court officer and the probation officers shall be fixed by the Judge, subject to the approval of the county governing body; but the compensation of the juvenile court officer shall be a salary of not less than \$9,000.00 nor more than \$12,000.00 per year, and the compensation of each probation officer shall be a salary of not less than \$9,000.00 nor more than \$12,000.00 per year. Such salaries shall be payable out of the county treasury of Lee County at the same time and in the same manner as the salaries of other employees of Lee County.

**(d) Automobile, Equipment, Insurance and Professional Conferences.** The county governing body of Lee County shall also provide for furnishing such automobiles and other supplies and equipment as are reasonably needed by the Juvenile Court officer and the probation officer or officers, as the case may be, and such equipment as needed by the Court. The county governing body of Lee County shall also provide for paying the maintenance and operating expenses and insurance coverage of all such automobiles as are furnished. Such governing body shall also defray the reasonable expenses of the Judge and any other officer or employee of the juvenile court incurred

in attending any conference, seminar or professional convention relative to the duties, powers and functions of the juvenile court of Lee County, Alabama, or the officers thereof.

**(e) Legal Representation.**

(i) The District Attorney or his designated assistant may appear in the Juvenile Court of Lee County, Alabama, in behalf of and in representation of the State or juveniles or parties to the action.

(ii) In the absence of a public defender or in the absence of representation by retained counsel, the Judge of said Court may appoint legal counsel to represent the juvenile in any court proceeding, and said counsel shall be compensated from the County's General Fund as is provided by law.

**Section 8. Small Claims Division.**

The Small Claims Division of the District Court of Lee County shall be presided over by the judge of the Court, assisted by a Referee to be appointed by the judge of the District Court of Lee County. Said Referee shall be paid not less than \$6,000.00 nor more than \$7,200.00 per annum, the exact amount to be fixed by the county governing body. The Small Claims Division of the District Court shall be responsible for the disposition of all claims in amounts not exceeding \$250.00. The Referee of the Small Claims Division shall be authorized to issue summons and complaints, and all appropriate writs to commence a suit, and in addition to issue process of garnishment, writs of detinue and attachment, after judgment or as provided by law. Personal service of process shall be executed by any lawful officer or constable and the fees and mileage provided by law for service of process in the circuit courts shall be charged and collected and thereafter paid to the constable or other officer or fund entitled thereto. Service of any process in the small claims division is effected on the person to be served by delivering to him a copy thereof with a copy of the complaint or other initial pleading, or by leaving such copies at either his usual place of abode or place of employment with some person of the family above 15 years of age or in charge of such place of employment, and in either event informing such person of their contents. In the alternative process may be made by certified mail addressed to the defendant's last known mailing address. In the event the defendant shows to the satisfaction of the court that he was not properly served and did not know of the existence of such suit before judgment was entered against him, and also shows to the satisfaction of the Court that he had a good defense to the claim, in whole or in part, the Court shall set aside any judgment by default and allow the defendant to interpose his

defense; but, it shall not be necessary to re-serve the defendant. After service of process has been executed and perfected on the defendant as required by law, the defendant shall appear and answer thereto within five days, and the process issued shall so recite. The filing fee for claims for amounts not exceeding \$50.00 shall be \$5.00. The filing fee for claims for amounts not exceeding \$100.00 shall be \$10.00. The filing fee for claims for amounts in excess of \$100.00 shall be \$15.00. Such filing fees shall be paid in advance by the plaintiff and reimbursed to him if collected from the defendant. No other costs or charges except for service of process, shall be assessed the plaintiff or claimant in the Small Claims Division, but costs for other papers or writs filed shall be set by a schedule of costs to be fixed by the judge. The procedures and forms of the Small Claims Division shall be prescribed by the judge of the District Court of Lee County, and the Referee shall assist the plaintiff in the preparation thereof upon request. The Referee shall have authority to enter judgments by default, and by consent of the parties to hear and decide controversies and cases in the Small Claims Division, but any party may request his case to be tried before the judge of the District Court. The Referee may be a deputy clerk of this Court, and as such bonded and authorized to take payments or collections on judgments and to issue receipts therefor.

### **Section 9. Clerks.**

(a) The Circuit Clerk of Lee County shall be the clerk of the Court herein established. In addition to his regular fees, commissions and compensations, the clerk shall receive for such services the sum of \$6,000.00 per annum which sum shall be payable in equal monthly installments from the general fund of the county. He shall have authority to purchase at county expense such records, stationery, office supplies and equipment as may be necessary to conduct the court's business. He shall keep a seal, which shall be the official seal adopted by the Court. Before entering upon the performance of his duties as clerk of the District Court of Lee County, he must give bond as required by law for clerks of county courts.

(b) It shall be the duty of the clerk to keep all the records, files, and dockets of the court in an orderly manner and to perform all other duties required by the judge.

(c) The clerk shall have power and authority: (1) To administer oaths and take acknowledgments and affidavits; (2) To sign and issue all processes issuing out of the court, in all of its divisions, including warrants, affidavits, summonses, subpoenas, writs, executions, commitments and releases; (3) To approve bonds in civil and criminal cases including appeal

bonds; (4) To enter all judgments, orders, and decrees of the court; (5) To certify all appeals and transcripts; (6) To exercise all powers and authority which are now or may be hereafter, conferred on clerks of county or district courts; (7) To supervise the administrative functions of the Small Claims Division of the District Court, subject to the approval of the judge of the District Court.

#### **Section 10. Costs.**

(a) For their attendance upon the court, witnesses shall be entitled to the fees and allowances prescribed by law for witnesses in the county courts, which fees and allowances shall be taxed, collected, and paid in the same manner and according to the same regulation as apply in the circuit courts.

(b) In addition to the fees for witnesses, the court shall have authority to tax costs and commissions for the use of the officers of the county as provided by law.

(c) A trial tax of \$5.00 shall be collected for the use of the county in each civil action except in the Small Claims Division, and in every criminal case, a trial tax of \$5.00 shall be collected for the use of the county.

(d) Costs in juvenile cases may be taxed by the Court as in cases formerly in equity, and the Court may decline to tax any costs at all. In addition to usual court costs the judge may tax as costs against a juvenile the amount necessary to make restitution to any person injured, damaged or wronged by such juvenile.

#### **Section 11. Appeals**

Any party aggrieved by a judgment, order, or ruling of the court may, within fifteen days after the rendition thereof, appeal the decision as herein provided. (1) If the case is a civil case, the appeal lies to the circuit court of Lee County where the trial shall be de novo with trial by jury where demanded by either party in writing filed with the clerk within 15 days after notice of appeal is filed with the clerk or at the option of the appellant the appeal lies to the court of civil appeals. Where a civil case is tried on appeal in the circuit court and the sum in controversy does not exceed \$250.00, the issues shall be made up as by the Court, and tried without the intervention of a jury; otherwise the pleadings and trial shall be according to the regular rules of pleadings and practice in the circuit court. (2) If the case arises under the court's jurisdiction with respect to juveniles, the appeal lies to the circuit court and shall be governed by statute. (3) In every criminal case, the appeal lies to the circuit court, but with appeal bond to be approved by the clerk and with trial by

jury on demand by the defendant or at the option of the appellant to the court of criminal appeals and shall be governed by statute.

#### **Section 12. Transfer of Pending Cases.**

All cases and actions pending in the Court of Common Pleas of Lee County on the effective date of this Act shall be transferred to the Court herein created and shall proceed as though begun therein. As to judgments rendered by the abolished court; this Court shall have the same power to control, and may issue executions and other processes thereon in all respects as though the judgments had been rendered by it.

#### **Section 13. Court Reporter.**

The judge of the District Court of Lee County shall secure the services of a competent shorthand writer to act as court reporter for such court. Such reporter shall be an officer of the Court while performing his duties, and shall have the same powers, duties and responsibilities as a reporter in the circuit court. Such reporter shall, while performing his duties as provided herein, be compensated from the county treasury at the same rate and in the same manner as circuit court reporters, and shall serve at the pleasure of the judge.

#### **Section 14. Severability.**

The provisions of this Act are severable. If any part of it is declared unconstitutional or invalid, such declaration shall not affect the part that remains.

#### **Section 15. Repealer.**

All laws in conflict with this Act are repealed to the extent of the conflict.

#### **Section 16. Effective Date.**

This Act shall become effective on the first Monday after the second Tuesday in January, 1975.

Approved September 19, 1973.

Time: 5:00 P.M.

area program; and to provide for the promulgation of regulations and provisions for the enforcement of this act.

*Be It Enacted by the Legislature of Alabama:*

**Section 1. Purpose.** The purpose of this Act is to promote, improve and safeguard the lands and waters located in the coastal areas of this state through a comprehensive and co-operative program designed to preserve, enhance and develop such valuable resources for the present and future well-being and general welfare of the citizens of this state. In promulgating such a program, the Legislature of Alabama recognizes and declares that:

a. The coastal area is rich in a variety of natural, commercial, recreational, industrial, and aesthetic resources of immediate and potential value to the present and future well-being of the state.

b. There are increasing and competing demands upon the lands and waters of the coastal area occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources.

c. The coastal area, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations.

d. Important ecological, cultural, historic and aesthetic values in the coastal area are essential to the well-being of all citizens.

e. Special natural and scenic characteristics may be damaged by ill-planned development.

f. There is a state interest in the effective administration, beneficial use, protection, and development of the coastal area.

g. In light of competing demands and the urgent need to balance development for the preservation of the natural systems in the coastal area, the key to more effective protection and use of land and water resources of the coastal area is to encourage the state to exercise its authority for improved and better methods of utilizing the lands and waters in the coastal area by developing, in cooperation with counties and municipalities and other vitally affected interests, land and water use programs for the coastal area, including unified policies, criteria, standards, methods, and processes for dealing with land and water use.



**Section 2. State Policy.** The Legislature finds and declares that it is State policy:

a. To preserve, protect, develop, and where possible, to restore or enhance, the resources of the state's coastal area for this and succeeding generations;

b. To encourage and assist counties and municipalities to exercise effectively their responsibilities in the coastal area through the development and implementation of administration programs to achieve wise use of the land and water resources of the coastal area giving full consideration to ecological, cultural, historic, and aesthetic values as well as to needs for economic development.

c. To assure that in development of the state's coastal area adequate consideration is given to such uses of the coastal area as the establishment of harbour facilities for the receiving of oil, gas and other commodities from ships and tankers; pipelines from such ports; and utility plant sites, utility generation, transmission, distribution, and transportation facilities;

d. To urge that all state agencies engaged in programs affecting the coastal area cooperate and participate with local governments and regional agencies in effectuating the purposes of this Act; and

e. To encourage the participating of the public, of federal, state, and local governments and of regional agencies in the development of coastal area administration programs. With respect to implementation of such administration programs, it is the state policy to encourage cooperation among the various state and regional agencies including establishment of inter-state and regional agreements, cooperative procedures and joint action particularly regarding environmental problems.

**Section 3. Definitions.** The following terms, whenever used in this Act, shall have the following respective meanings unless the context thereof clearly indicates otherwise:

a. "Coastal area" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder) strongly influenced by each and in proximity to the shorelines of Alabama, and includes transitional and intertidal areas, salt marshes, wetlands, and beaches. The area extends seaward to the outer limit of the United States territorial sea and extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters.

b. "Coastal waters" means those waters, adjacent to the shoreline, which contain a measurable quantity or percentage of sea water, including but not limited to, sounds, bays, lagoons, bayous, ponds and estuaries.

c. "Estuary" means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage.

d. "Estuarine sanctuary" means a research area which may include any part or all of an estuary, adjoining transitional areas, and adjacent uplands, constituting to the extent feasible, a natural unit, set aside to provide scientists and students the opportunity to examine over a period of time the ecological relationship within the area.

e. "Administration Program" includes, but is not limited to, a comprehensive statement in words, maps, illustrations, or other media of communication, prepared and adopted by the state in accordance with the provisions of this Act, setting forth objectives, policies and standards to guide public and private users of lands and waters in the coastal area.

f. "Water use" means activities which are conducted in or on the water, but does not mean or include the establishment of any water quality standard or criteria or the regulation of the discharge or runoff of water pollutants except the standards, criteria, or regulations which are incorporated in any program as required by the provisions of this Act.

g. "Regulated activity" means any of the following activities: the dredging, excavating or removing of soil, mud, sand, gravel, flora, fauna or aggregate of any kind from any coastal area; the dumping, filling or depositing of any soil, stones, sand, gravel, mud, aggregate of any kind or garbage, either directly or indirectly, on or in any coastal areas; killing or materially damaging any flora or fauna on or in any coastal area; and the creation on coastal areas of structures which materially affect the ebb and flow of the tide.

h. "Dredging" means the removal or displacement by any means of soil, sand, gravel, shells or other material, whether of intrinsic value or not, from coastal areas.

i. "Filling" means either the displacement of waters by the depositing into coastal areas of soil, sand, gravel, shells or other material; or the artificial alteration of water levels or water currents by physical structures, drainage ditches or otherwise.

j. "Board" means the board established under this Act.

**Section 4.** This act shall not apply to the following activities, areas and entities:

a. The accomplishment of emergency decrees of any duly appointed health officer of a county or municipality or of the state, acting to protect the public health and safety;

b. The conservation, repletion and research activities of the Marine Environmental Sciences Consortium, the Marine Resources Division of the Department of Conservation and Natural Resources and the Mississippi-Alabama Sea Grant Consortium;

c. Hunting, erecting duckblinds, fishing, shellfishing and trapping when and where otherwise permitted by law;

d. Swimming, hiking, boating or other recreation that causes no material harm to the flora and fauna of the areas;

e. The exercise of riparian rights by the owner of the riparian rights, provided that the construction and maintenance of piers, boathouses and similar structures are constructed on pilings that permit a reasonably unobstructed ebb and flow of the tide; provided, further, that the riparian owner may reasonably alter the wetland at the end of his pier in order to allow docking of his vessels, if the end his pier is at the edge of marsh grass abutting his property;

f. The normal maintenance and repair of bulkheads, piers, roads and highways existing on the date of enactment of this act, and all interstate highways planned but not yet under construction;

g. Work for the maintenance, repair, renewal, improvement or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure;

h. The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.

i. All areas developed in the future by federal, state or county governments for the establishment of a superport or a pipeline buoy terminal for deep-draft, ocean-going vessels where regulated by federal or state agencies in a manner consistent with the purposes of this act.

j. Any activity affecting an area that is associated with or is necessary for the exploration, production or transportation of oil or gas when such activity is conducted, in a manner consistent with the purposes of this act, under a current and

valid permit granted by a duly constituted agency of the State of Alabama;

k. Normal maintenance and repair activities of any utility or other person engaged in telephone communication service or in the distribution or transmission of gas, electricity or water or the collection of sewage, including inspecting, maintaining, repairing, or renewing on private or public rights of way any sewers, mains, conduits, pipes, cables, utility tunnels, power lines, towers, poles, tracks or the like, or making service connections thereto, or inspecting, maintaining, repairing, or renewing any substation, pumping or lifting facility.

l. Activities of any mosquito control commission which is a political subdivision or agency of the State of Alabama;

**Section 5.** Composition, Appointments, Meetings and Functions of Board. There is hereby created the Alabama Coastal Area Board composed of eight members as set forth hereinafter:

a. Members of the Board shall consist of: The Director of the Alabama Development Office, the Director of the Alabama Department of Conservation and Natural Resources, the Director of the Alabama State Docks, a member of the Mobile City Commission, a member of the Baldwin County Commission, a member of the Mobile County Commission, the State Geologist, the Director of the Marine Environmental Sciences Consortium. The term of office of each Board member shall be consistent with his elective or appointed office. The member from the Mobile City Commission and the Baldwin and Mobile County Commissions shall be elected by the membership of their respective commissions. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term. All members shall be eligible for reappointment.

b. The Governor shall appoint one member from the above designated Board as Chairman to serve at the will of the Governor. The Chairman shall designate from time to time any other member as acting chairman to serve during his absence. A quorum for the transaction of business shall consist of at least five members. The Board shall have an official seal which shall be judicially noticed.

c. Members shall receive no additional compensation for serving on the Board, but shall be reimbursed for expenses of travel and subsistence in the discharge of their official duties at the rate provided by law.

d. The Board shall meet quarterly, and shall meet in special sessions as occasion demands upon the call of the Chairman. All

meetings shall be open to the public and an accurate record of all proceedings shall be kept and made available for public inspection. All members shall be voting members.

e. The Board shall employ the services of the Alabama Development Office, to provide and administer the staff activities and technical functions of the Coastal Area Act.

f. The Alabama Development Office shall have the authority to solicit, accept and expend funds from the State, the United States, and from any other source, to carry out the provisions, purposes and policies of this Act.

g. The Board shall coordinate activities and plans of all existing interests, other State governments, local governments, regional planning agencies, interstate compacts and commissions, and federal agencies which have programs relevant to the coastal area.

h. The Board shall promulgate such regulations as are necessary for the effective administration of this Act and will begin the enforcement of these provisions upon the completion of the required regulations and upon their becoming effective pursuant to approval by the Board.

i. When necessary to achieve conformance with the management program provided for in Section 6 of this act, the Board shall have the power to acquire fee simple and less than fee simple interests in land, water and other property under the procedures of Title 19, Code of Alabama, or other means.

j. The following State agencies shall act in an advisory capacity to the Board:

- (1) State Health Department
- (2) Water Improvement Commission
- (3) Alabama Highway Department
- (4) Department of Agriculture and Industries
- (5) Alabama Public Service Commission
- (6) State Oil and Gas Board
- (7) Air Pollution Commission

**Section 6. Development of Program by Board.** The Board shall provide for the development of a comprehensive coastal area administration program in recognition of the national policy expressed in the Coastal Zone Management Act of 1972, Public Law 92-583. The program shall be prepared in cooperation with local, regional, state and federal interests and shall comply with

federal rules, etc., for coastal area planning and administration. The program should include at least the following:

- a. Identification of the boundaries of the Coastal Area subject to the program;
- b. Identification of all of the state's coastal resources;
- c. Evaluation of these resources in terms of their quality, quantity, and capability for the use both now and in the future;
- d. Determination of the present and potential uses and the present and potential conflicts in the uses of each coastal resource;
- e. A definition of what shall constitute permissible land and water uses within the coastal area which have a direct and significant impact on the coastal waters;
- f. An inventory and designation of areas of particular concern within the coastal area;
- g. Broad guidelines on priority of uses in particular areas;
- h. Provision for adequate consideration of the local, regional, State and national interest involved in the siting of facilities for the development, generation, transmission and distribution of energy, adequate transportation facilities and other public services necessary to meet requirements which are other than local in nature.
- i. Provision for consideration of whether a proposed activity of an applicant for a federal license or permit complies with the state's coastal area program and for the issuance of notice to any concerned federal agency as to whether the state concurs with or objects to the proposed activity.
- j. Adequate provision for public notice, public hearings, and judicial review as provided for under Alabama law.

**Section 7. Permit Applications.** Following development of the coastal area administration program provided for in Section 6 and review and approval of the program by the Governor, no regulated activity shall affect, subsequent to the effective date of said coastal area administration program, any coastal area without a permit unless such regulated activity is allowed without permit in the administration program promulgated pursuant to the provisions of this act. Any person proposing to conduct or cause to be conducted such a regulated activity upon any coastal area subsequent to the effective date of said coastal area administration program shall file an application for a permit with the Board in such form and with such information as the Board may prescribe. An application fee in an amount to be established

by the Board regulations shall accompany each application and shall be payable to the Board.

a. An application shall include the following:

- (1) The name and address of the applicant;
- (2) The names and addresses of the owners of record of adjacent land and of known claimants of riparian or water rights in or immediately adjacent to the coastal area, or a certification that after diligent search and inquiry the said names and addresses could not be found;
- (3) A detailed description of the proposed activity and a map, drawn to an appropriate and uniform scale showing by section, township and range, the location and area of the coastal areas to be affected, indicating the location and area of existing and proposed fill, excavation or other regulated activities; showing the location, width, depth and length of any proposed channel and dredge spoil disposal site; showing all existing and proposed structures, sewage collection and treatment facilities, utility installations, roadways and related appurtenances or facilities, including those on adjacent uplands; describing the type of equipment to be used and the means of equipment access to the activity site;
- (4) An estimate of the cost of the activity;
- (5) The primary and secondary purposes of the project, including contemplated future projects;
- (6) A description of any public benefit to be derived from the proposed project dependent upon the proposed activity;
- (7) A complete description of measures to be taken to reduce detrimental off-site effects to the coastal areas during and after the proposed activity;
- (8) The completion date of the proposed activity and of the project dependent upon the activity;
- (9) A written report or statement of the environmental impact of the proposed regulated activity and of the final project dependent on it upon the affected coastal areas and the life dependent upon them, provided that an environmental impact statement treating the same activity in the same area and supplied to another federal or state agency for considering a permit shall satisfy this requirement if submitted by the applicant; and
- (10) A certification that permits from the Alabama Air Pollution Commission and the Alabama Water Improvement Commission have been applied for or that such permits are not required; that a permit from the United States Corps of En-

gineers has been applied for or that such permit is not required; that permits or other certificates of compliance with applicable municipal or county building codes and zoning ordinances have been applied for or are not required;

b. However, any person filing an application to dredge an existing channel for navigational purposes need only show:

(1) That such channel was lawfully in existence on the date of enactment of this act and on the date such application was filed;

(2) That such channel is regularly used for navigational purposes;

(3) That a permit from the U. S. Corps of Engineers, or its successors, was obtained for the original dredging or that such permit was not required;

(4) That such channel, because of silting or because of the movement of mud, sand, soil or other debris, has become, or is in danger of becoming, impaired for navigational purposes;

(5) Where and how the spoil shall be disposed of, so as to preserve existing areas; and

(6) Fulfill the requirements of subsections a.(1) and a.(7) above.

c. Any person filing an application to dredge a new channel through coastal areas for navigational purposes, must, in addition to the requirements of subsection a. above, show to the satisfaction of the Board:

(1) That such channel will be regularly used for navigational purposes;

(2) That such channel is necessary for access to existing or proposed docks, marinas, yacht basins or other facilities and that there are no other reasonable means of access to such facilities;

(3) Where and how the spoil shall be disposed of, so as to preserve existing areas;

(4) That such channel will be dredged in such a manner as to have the least detrimental effect on the ecological, economic, recreational and aesthetic value of surrounding coastal areas; and

(5) That such channel shall benefit the public at large or surrounding landowners.

d. The Board shall cause a copy of any application to be mailed immediately to the following parties:



(1) The chief administrative officer in the municipality or municipalities where any part of the proposed activity will be located;

(2) The chief administrative officer of any county where any part of the proposed activity will be located;

(3) The chief biologist, Department of Conservation and Natural Resources;

(4) The county attorney of any county in which any part of the proposed activity will be located or in any county which may be affected by such activity;

(5) The district attorney of any judicial district in which any part of the proposed activity will be located or of any district which may be affected by such activity;

(6) The Director of the South Alabama Regional Planning and Development Commission.

e. Not later than sixty (60) days from the receipt of any application, the Board shall publish notice of a date on or before which written objections to any application must be filed. If written objection is filed or if the applicant requests a hearing, then a hearing must be held within ten (10) days after the date on or before which objections must be filed unless a later date for the hearing is agreed to by all parties. Notice of the date on or before which objections must be filed shall be published once a week for at least three (3) consecutive weeks in at least one (1) newspaper of general circulation in the county or counties in which the affected areas are located. The first publication of such notice shall be made not less than twenty-one (21) days prior to the date on or before which objections must be filed and the last publication shall be made not more than seven (7) days prior to such date. The published notice shall describe the site of the proposed activity and shall give a general description of the proposed regulated activity. Further, notice shall be given describing the date, time and place for the said hearing by U. S. Mail, postage prepaid, to each of the objectors and to the applicant at the address furnished to the Board by said parties, and by causing a copy of such notice to be published at least one (1) time in one (1) newspaper having general circulation in the county or counties in which the affected wetlands are located.

f. The following parties shall be notified of a hearing by the Board by mail prior to the date set for the hearing, but a failure to meet this requirement shall not invalidate any permit granted thereafter:

(1) All of those parties who are entitled to receive a copy

of such application in accordance with subsection e. of this section of this act; and

(2) All known owners of record of adjacent land and all known claimants to water or riparian rights in or adjacent to the coastal areas affected.

g. Any person who files a written objection pursuant to paragraph e. of this section may appear at the public hearing and be heard.

h. The burden of proof shall be on the applicant, whether a hearing is held or not; provided, however, no application shall be denied without giving the applicant a right to a hearing according to the provisions of this act.

i. Evidence offered at hearings and all applications and related documents shall be open for public inspection at the office of the Board at reasonable times.

j. Within thirty (30) days of the completion of the public hearing on an application for permit the Board shall issue its order granting (with or without special conditions) or denying the application. In the event the Board denies the application it shall specify its reasons therefor and indicate any changes in the proposed activity that would make the applicant eligible to receive the permit. The decision of the Board shall become final unless appeal as provided for in Section 8 is taken therefrom.

**Section 8. Appeals.** An appeal may be taken by the applicant, or any person or corporation, municipal corporation, county or interested community group who has been aggrieved by such order, from the denial, suspension or revocation of a permit or the issuance of a permit or conditional permit and who has filed written protest or objection as specified in Section 7., within thirty (30) days after the mailing to the parties of the order of issuance, denial, suspension or revocation of any such permit, to the circuit court of any county having jurisdiction over the property which may be affected by any such proposed activity to be authorized by such permit.

a. If the court finds that the order appealed from is supported by substantial evidence, consistent with the public policy set forth in this act, is not arbitrary or capricious and does not violate constitutional rights, it shall affirm the Board's order.

b. Such appeal shall be brought by a complaint in writing, stating fully the reasons therefor, signed by an authorized party, and shall be served at least twelve (12) days before the return date upon the Board and upon all parties having an interest adverse to the appellant as designated under Section 8. Such appeals shall be brought to the next return day of the court after

the filing of such appeal or may be returned to a day set by fiat of the court. A cost bond must be posted with sufficient sureties payable to the state in the sum of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), to be fixed in the order appealed from and to be filed with and approved by the director of the Board, who shall forthwith certify the same, together with a certified copy of the transcription record of the proceedings of the Board in the matter to the circuit court to which the appeal is taken, which shall thereupon become the record of the cause. An appeal to the circuit court as provided herein shall not stay the execution of an order of the Board; provided, however, that any party aggrieved by an order of the Board may petition the circuit court for an appeal with supersedeas and the court shall grant a hearing on said petition, and upon good cause shown may grant said appeal with supersedeas in which case the appellant shall be required to post a bond with sufficient sureties according to law in an amount to be determined by the court.

c. Upon the filing of an appeal, the clerk of the circuit court shall serve notice thereof upon the Board, whereupon the Board shall within sixty (60) days, or within such additional time as the court may for cause allow, from the service of such notice certify to the circuit court the record in the case, which record shall include a transcript of all testimony, all objections, all exhibits or copies thereof, all pleadings, proceedings, orders, findings and opinions entered in the case; provided, however, that the parties and the Board may stipulate that only a specific portion of the record shall be certified to the court as the record on appeal.

d. If, upon hearing such appeal, it appears to the court that any testimony has been improperly excluded by the Board or that the facts disclosed by the record are insufficient for the equitable disposition of the appeal, it shall refer the case back to the Board to take such evidence as it may direct and report the same to the court with the board's findings of fact and conclusions of law.

e. Such appeal shall have precedence in the order of trial, and the circuit court may order the granting, denial, revocation, suspension or limitation of any permit or may remand to the Board for such order.

f. Appeals may be taken from the circuit court to the Supreme Court in the manner as now required by law.

**Section 9. Initiation of Actions.** The State of Alabama at the request of the Board, a district attorney having jurisdiction, or a county attorney having jurisdiction may initiate the actions,

as described in this act against any person or persons believed to be in violation of this act.

a. Jurisdiction and venue for judicial actions brought pursuant to this act shall lie in any county or counties in which the alleged violation occurs or in which property affected by such violation is located.

b. Any person who violates the provisions of this act shall be liable to the State of Alabama for the restoration of all affected coastal areas to their condition prior to such violation, insofar as such restoration is possible, and for any and all damages to such areas. The appropriate circuit court shall allow a reasonable time for completion of the restoration and may, in its discretion, order as punitive damages a sum not to exceed Five Hundred Dollars (\$500.00) Per Day for each day such violation has existed. The said circuit court may further order in punitive damages a sum not to exceed Five Hundred Dollars (\$500.00) Per Day for each day that the violation exists beyond the date set by said court in its order for the restoration of said area.

c. Threatened or actual violations of this act may be restrained by order of the Circuit Court of the county in which any affected area of the coastal area or any part thereof lies. Such suits shall be initiated as provided for above.

d. Nothing in this act shall preclude other statutory or common law remedies by public or private parties against violators or non-violators of this act.

**Section 10. Severability.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 11. Effective Date.** This act shall become effective 120 days from the date of its approval by the Governor or from the date it otherwise becomes law.

Approved September 20, 1973.

Time: 4:00 P.M.

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Act No. 1275

S. 300—Hawkins

### AN ACT

To amend further Sections 1, 2 and 3 of Act No. 47, H. 29, Regular Session 1951, (Acts 1951, p. 259) as last amended, which relates to the provision of educational benefits to certain disabled veterans; to dependents and survivors of disabled veterans; and to dependents and survivors of deceased servicemen or veterans.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 1 of Act No. 47, H. 29, Regular Session 1951 (Acts 1951, p. 259), as last amended, is hereby further amended to read as follows:

"Section 1. Any child whose father or mother (a) was killed or died in line of duty or is listed as missing in action or whose deaths or permanent total disabilities were service connected while serving as a member of the armed forces between the dates of April 7, 1917, and November 11, 1918, as to World War I and December 7, 1941, and December 31, 1946, as to World War II, or at any time after December 31, 1946, and prior to June 27, 1950, if such service has been ruled extra hazardous, June 27, 1950, and January 31, 1955, as to the Korean Conflict, or at any time after January 31, 1955, and prior to August 5, 1964, if such service has been ruled extra hazardous, or at any time after August 4, 1964, but before the end of the Vietnam War period as determined by the President or the Congress of the United States, or at any time thereafter in such service has been ruled extra hazardous; or (b) died from a disability incurred from military service during any of the above periods and circumstances specified in Section 1 (a), as established by the State Department of Veterans Affairs, after having been discharged under conditions other than dishonorable and after having served at least ninety days consecutively in the armed forces prior to and/or subsequent to the date on which such disability occurred, or who was honorably discharged by reason of wartime, service-connected disability after serving less than ninety days; or has been assigned 100 percent permanent or total disabilities rated by the United States Veterans Administration, or was discharged or retired from the Armed Forces with a 40 percent or more and maintained that percentage shall be interpreted to mean Disabled Veteran; may attend any Alabama State Institution of higher learning, College or University for a period of four standard academic years of nine months each, not to exceed thirty-six months or the equivalent of thirty-six months if enrolled part-time, without paying any tuition, fees or books whatsoever for such college or university attendance, or any such child may take a prescribed course in any Alabama State trade school for the length of any prescribed course of study of his or her choosing, with remaining entitlement may be taken in College or University only, without the payment of any tuition fees or books whatsoever. Training under this section must be initiated prior to the child's **twenty-sixth** birthday, and must be completed within **eight** years after its initiation, except for delays caused by military service during the training period, and in no case may training be received under this Act beyond the **thirty-fourth** birthday of such child. A child whose father or mother is a prisoner of war while serving

as a member of the armed forces in the Vietnam War period as defined herein, may receive training under this Act."

**Section 2.** Section 2 of Act No. 47, H. 29, Regular Session 1951 (Acts 1951, p. 259), as last amended, is hereby further amended to read as follows:

"Section 2. Any wife or widow whose husband, during their marriage, (a) was killed or died in line of duty or is listed as missing in action or as a prisoner of war while serving as a member during any of the periods and circumstances specified in subsection (a) of Section 1 of this Act; (b) died from a disability incurred from military service during any of the periods and circumstances specified in subsection (a) and (b) of Section 1 of this Act; or (c) is 100 percent permanently and totally disabled whose permanent and total disabilities were service-connected and incurred during the periods or under circumstances specified in Section 1 of this Act, shall be entitled to training in any Alabama state-supported college or university for a period of four standard academic years of nine months each, not to exceed thirty-six months or to training for the equivalent of thirty-six months if enrolled part-time or to training in a prescribed course in a state-supported trade school, and if such course does not require the full thirty-six months then training for the remainder of such thirty-six months entitlement may be taken at a state-supported college or university only, without the payment of any tuition, fees or books, whatsoever. **One change of program will be allowed without counseling.** A wife shall be eligible for these benefits only during the period in which her husband is listed as missing in action or is serving as a prisoner of war. It is provided, however, that in order for such wife or widow to be eligible for the benefits receivable under this section, she must, except where unable to do so because of circumstances beyond her control, begin her educational training within ten years after the effective date of this section or within five years after the death of the veteran, whichever occurs later. All training received under this section must be completed within **eight** years after the beginning date of the four-year course. This section shall not apply to the widow of any such deceased serviceman or veteran who has remarried prior to applying for and obtaining educational benefits under this section and should any such widow of such deceased serviceman or veteran remarry during the time she is in attendance upon any of the schools, colleges, or universities mentioned in this section, then she shall pay tuition and fees for her course of study or attendance upon such school, college, or university from the time of her remarriage." (Available in addition to Federal Government Benefits)

**Section 3.** Section 3 of Act No. 47, H. 29, Regular Session

1951, (Acts 1951, p. 259), as last amended, is hereby further amended to read as follows:

**"Section 3. The wife and children of any veteran who is suffering from forty to ninety percent service-connected disability brought about from service in the armed forces of the United States, or the widow and children of a deceased veteran who was suffering from forty percent or more of service-connected disabilities at the time of his death, provided such disabilities as are mentioned herein are incurred from military service during any of the dates and circumstances specified in Section 1 (a), as established by the state department of veterans affairs, shall be entitled to the following educational advantages and opportunities:**

**"The wife or widow, as the case may be, shall be entitled to up to eighteen months of schooling or the equivalent of eighteen months if enrolled part-time, upon any Alabama state-supported institution of higher learning, college or university, or to a prescribed course in any Alabama state-supported trade school with out the payment of any tuition, fee or books. One change of program will be allowed without counseling. It is provided, however, that all training received at state institutions of higher learning or state trade schools under the provisions of this paragraph must be completed within a period of six years after the beginning date of such two-year course or such prescribed course.**

**"Each child of such disabled veterans shall be entitled to four standard academic years, not to exceed nine months each attendance, or the equivalent of thirty-six months if enrolled part-time in any Alabama state-supported institution of higher learning, college or university, or to a prescribed course at an Alabama state-supported trade school. If the course of training at the trade school does not require the full time to which such child is entitled hereunder, then the remaining entitlement may be taken in a state-supported college or university only, without payment of any tuition, fees or books. One change of program will be allowed without counseling. Training under this paragraph must be initiated prior to the child's twenty-sixth birthday, and must be completed within eight years after its initiation, except for delays caused by military service during the training period, and in no case may training be received under this section beyond the thirty-fourth birthday of such child. (Benefits hereunder are available in addition to Federal Government benefits). Any child, wife or widow who was denied full entitlement, eighteen or thirty-six months whichever the case may be, shall have the remainder of their entitlement reinstated under his Act."**

**Section 3. This Act shall become effective immediately**

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 1:45 P.M.

Act No. 1276

S. 145—Weaver

### AN ACT

To amend Title 52, Section 351, **Code of Alabama**, 1940, as amended, to provide that certificated employees of the Alabama Institute for Deaf and Blind, Alabama Industrial School for Boys, Alabama Industrial School for Girls, and Alabama Industrial School at Mt. Meigs shall be defined as teachers and shall be covered under the Alabama Teacher Tenure Law.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Amend Section 351, Title 52, **Code of Alabama**, 1940, as amended, to read as follows:

“Section 351. Teacher defined.—The term teacher as employed in this chapter is deemed to mean and include all persons regularly certified by the teacher certifying authority of the State of Alabama who may be employed as instructors, principals or supervisors in the public elementary and high schools of the State of Alabama and persons employed as instructors, principals or supervisors in the Alabama Institute for Deaf and Blind, Alabama Industrial School for Boys, Alabama Industrial School for Girls, and Alabama Industrial School at Mt. Meigs.”

**Section 2.** This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved September 19, 1973.

Time: 5:05 P.M.

Act No. 1277

H. 1345—Fite, Hill, Drake, McCluskey, Smith (P), Robertson, Narmore, Carnes, Snell, Wynot, Coshatt, Grey (D), Goodwin, Casey, Williams, Headley, Bank, Falkenburg, Callahan, Cottingham, O'Daniel, Mims, Agee, Kinsey, Benton, May, Hardin, Collins, Barron, Barkett, McBride, McDonald, Merrill, Burgess



## AN ACT

To authorize Alabama Public School and College Authority to sell and issue one hundred seventy-nine million nine hundred twenty-one thousand dollars (\$179,921,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes, including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, including colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for the details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority of Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Definitions: Wherever used in this Act, the following terms shall have the following respective meanings unless the context clearly indicates otherwise:

"1957 Act" means Act No. 499 adopted at the 1957 Regular Session of the Legislature.

"1959 Act" means Act No. 126 adopted at the 1959 Second Special Session of the Legislature.

"1965 Act" means Act No. 243 adopted at the 1965 First Special Session of the Legislature.

"1967 Act" means Act. No. 403 adopted at the 1967 Regular Session of the Legislature.

"1969 Act" means Act. No. 1031 adopted at the 1969 Regular Session of the Legislature.

"1971 Acts" means Act. No. 94 adopted at the 1971 First Special Session of the Legislature, Act. No. 2428 adopted at the 1971 Regular Session of the Legislature, and Act. No. 56 adopted at the 1971 Second Special Session of the Legislature.

"Authority" means Alabama Public School and College Authority, a public corporation and instrumentality of the state that was organized and is existing under the provisions of the 1965 Act.

"Board of directors" means the board of directors of the Authority.

"Bonds" (except where that word is used with reference to bonds issued under another act), means those bonds, other than refunding bonds, issued under the provisions of this Act.

"Capital Improvements" means buildings containing classrooms, offices, libraries, laboratories, clinical or teaching facilities, and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, together with equipment therefor, and school buses.

"Legislature" means the Legislature of Alabama.

"Refunding bonds" means those refunding bonds issued under the provisions of this Act.

"State" means the State of Alabama.

Nouns and pronouns when used in this Act shall be deemed to include both singular and plural and all applicable genders.

**Section 2. Authorization to Issue Additional Bonds and Purposes Thereof.** Alabama Public School and College Authority is hereby authorized to sell and issue its bonds in the aggregate principal amount of one hundred seventy-nine million nine hundred twenty-one thousand dollars (\$179,921,000) for the construction, reconstruction, purchase, alteration, improvement, and equipment, including school buses, of any types of capital improvements for public educational purposes in the state, including senior colleges and universities, vocational-technical institutes, junior colleges, and elementary-secondary school systems and special schools, and including the acquisition of land and cost of architectural services therefor and services rendered by building inspectors for periodic and final inspections thereof, and for acquiring sites therefor. The bonds authorized in this Act to be issued by the Authority shall be in addition to all other bonds heretofore authorized to be issued by it.

**Section 3. Execution and Other Details of the Bonds.** The bonds shall be executed, sealed and attested, shall with the income therefrom be exempt from all taxation in the state, may be used as security for deposits, and shall be eligible for investments of fiduciary funds, all as is provided in the 1965 Act. The bonds shall be in such form or forms and denomination or denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner,

may be made subject to redemption prior to their maturities, and may contain provisions not inconsistent with this Act, all as may be provided by the resolution of the board of directors under which the bonds may be issued; provided, that no bonds shall have a specified maturity date later than twenty years after their date; and provided further, that those bonds having maturities more than ten years after their date shall be subject to redemption at the option of the Authority on any interest payment date on and after the tenth anniversary after their date at such redemption price and under such conditions as may be prescribed in the proceedings of the Authority under which they are issued.

**Section 4. Sale of the Bonds.** The bonds may be sold by the Authority from time to time in series, and if sold in more than one series, may all be authorized in one initial resolution of the board of directors with the pledges therefor made by the Authority in such initial resolution although some of the details applicable to each series may be specified in the respective resolutions under which the different series are issued. Each series of the bonds shall be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest total net interest cost to the Authority for the series of the bonds being sold, computed from the date of those at the time being sold to their respective maturities and taking into account any premium named in the bid therefor; provided, that if no bid acceptable to the Authority is received it may reject all bids. Before any series of the bonds shall be offered for sale by the Authority, the Governor shall first determine that the issuance of such series of bonds and the application of the taxes pledged to the payment of the principal of such bonds as they mature and interest thereon as it comes due will not impair the adequacy of the Special Educational Trust Fund to pay appropriations therefrom and to support the public schools and institutions of higher learning during the period over which such bonds will mature. The Governor's determination shall be in writing signed by the Governor and such determination shall be final and conclusive. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper published in the state which is customarily published not less often than five days during each calendar week, each of which notices must be published at least one time not less than ten days prior to the date fixed for the sale. The board of directors may fix the terms and conditions under which each such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof; and provided further, that such terms and conditions shall not conflict with

any of the requirements of this Act. Neither a public hearing nor consent of the State Department of Finance or any other department or agency shall be a prerequisite to the issuance of any of the bonds.

**Section 5. Appropriation of Revenues to the Authority; Pledge Thereof for the Benefit of the Bonds.** For the purpose of providing for payment of the principal of and interest on the bonds and to accomplish the objects of this Act, there is hereby irrevocably pledged to such purpose, and hereby appropriated, such amount as may be necessary for such purpose from the following sources:

(a) The residue of the receipts from the excise tax (sometimes referred to as the utilities gross receipts tax) levied by Act No. 21 adopted at the 1969 Special Session of the Legislature, as amended, remaining after payment of the expenses of administration and enforcement of the said Act No. 21, as amended, being that portion of the said tax that is required by the said Act No. 21, as amended, to be deposited in the state treasury to the credit of the Alabama Special Educational Trust Fund;

(b) The residue of the receipts from the excise tax (sometimes referred to as the utilities use tax) levied by Act No. 37 adopted at the 1969 Special Session of the Legislature, as amended, remaining after payment of the expenses of administration and enforcement of the said Act No. 37, as amended, being that portion of the said tax that is required by the said Act No. 37, as amended, to be deposited in the state treasury to the credit of the Alabama Special Educational Trust Fund;

(c) The residue of the receipts from the license tax levied on those engaging in the business of leasing or renting tangible personal property levied by Act No. 96 adopted at the 1971 First Special Session of the Legislature, remaining after payment of the expenses of administration and enforcement of the said Act No. 96, being that portion of the said tax that is required by the said Act No. 96 to be deposited in the State Treasury to the credit of the Alabama Special Educational Trust Fund;

(d) To the extent and to the extent only that the revenues appropriated in the foregoing subsections (a), (b), and (c) of this section may not be sufficient to pay at their respective maturities the principal of and interest on the bonds, the residue of the receipts from the excise tax known as the sales tax levied by Act No. 100 adopted at the 1959 Second Special Session of the Legislature, as amended, after there shall have been taken from the said residue the amounts appropriated

for other educational purposes in Section 32 of the said Act No. 100 (which said residue constitutes that portion of the receipts from the said sales tax that is now required by law to be paid into the Alabama Special Educational Trust Fund), and after there shall have been taken from the said residue amounts sufficient to meet all prior charges of the said residue including such amounts as may be necessary to pay at their respective maturities the principal of and interest on those of the following bonds that may be outstanding at the time of the delivery of the respective series of the bonds authorized herein: (1) those bonds issued by the State of Alabama under the 1957 Act; (2) those bonds issued by Alabama Education Authority under the 1959 Act; (3) those bonds issued by Alabama Public School and College Authority under any of the 1965 Act, the 1967 Act, the 1969 Act, or the 1971 Acts; and

(e) To the extent and to the extent only that the revenues appropriated in the foregoing subsections (a), (b), (c), and (d) of this section may not be sufficient to pay at their respective maturities the principal of and interest on the bonds, the residue of the receipts from the excise tax known as the use tax levied in Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, after there shall have been taken from the said receipts the amount necessary to meet the expenses of the State Department of Revenue in collecting the said use tax (which residue constitutes that portion of the receipts from the said use tax that is now required by law to be paid into the Alabama Special Educational Trust Fund), and after there shall have been taken from the said residue such amounts as may be necessary to meet all prior charges on the said use tax including the amounts sufficient to pay at their respective maturities the principal of and interest on those outstanding bonds referred to in clauses (1), (2), and (3) of subsection (d) of this section.

All moneys hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of and interest on the bonds. The State Treasurer is authorized and directed to pay at their respective maturities the principal of and interest on the bonds out of said fund and out of the residues of the tax receipts herein appropriated and pledged for the benefit of the bonds, and he is authorized and directed to set up and maintain appropriate records pertaining thereto.

**Section 6. Bonds to be Payable Solely Out of Revenues Appropriated; Authorization for Authority to Pledge Such Revenues for the Bonds.** Bonds issued by the Authority shall not be general obligations of the Authority and shall be limited obligations payable solely out of the residues of the tax receipts appropriated and pledged in Section 5 of this Act. All

bonds issued by the Authority pursuant to the provisions of this Act shall be solely and exclusively obligations of the Authority and shall not constitute or create an obligation or debt of the state. As security for the payment of the principal of and interest on the bonds, the Authority is hereby authorized and empowered to pledge for payment of the principal of and interest on the bonds the residues of the tax receipts that are appropriated and pledged in Section 5 hereof for payment of such principal and interest. All such pledges made by the Authority shall take precedence in the order of the adoption of the resolutions containing such pledges. All such pledges shall be prior and superior to pledges that may be made for any refunding bonds hereafter issued by Alabama Education Authority under the provisions of the 1959 Act or by the Authority under the provisions of any of the 1965 Act, or the 1967 Act, or the 1969 Act, or the 1971 Acts, or any other act heretofore enacted.

**Section 7. Sale of Refunding Bonds.** The Authority may from time to time sell and issue refunding bonds in amounts sufficient to refund the principal of any matured or unmatured bonds or refunding bonds then outstanding that were issued by the Authority under the provisions of this Act, or the 1965 Act, the 1967 Act, the 1969 Act, the 1971 Acts, or any other act previously enacted, or that were issued by Alabama Education Authority under the provisions of the 1959 Act, and to pay the expenses of such refunding and any premiums necessary to retire those so refunded. For the purpose of providing funds to enable the Authority to pay at their respective maturities the principal of and interest on the refunding bonds issued by it under this Act and to accomplish the purposes of this Act, there is hereby irrevocably pledged to such purpose, and hereby appropriated, such amount as may be necessary for such purpose of the residues of the receipts from the excise taxes appropriated and pledged in subsections (a), (b), (c), (d) and (e) of Section 5 of this Act, but such pledge and appropriation shall be subject and subordinate to the pledge and appropriation made in the said Section 5 for payment of the principal of and interest on the bonds issued under the provisions of Section 2 of this Act. All other provisions of this Act shall apply to the refunding bonds issued hereunder except (a) the limitation contained in Section 2 of this Act on the amount of bonds that may be issued under this Act, and (b) the provisions of Section 8 of this Act (except the last paragraph thereof). All pledges made in this Act, and all pledges made by the Authority pursuant to the provisions of this Act, for the benefit of refunding bonds issued under this Act shall take precedence in the order of the adoption of the resolutions authorizing the issuance of such refunding bonds.

**Section 8. Use of Bond Proceeds.** The proceeds derived from each sale of the bonds shall be deposited in the State Treasury and shall be carried in a separate fund therein for the account of the Authority, which shall pay therefrom the expenses of issuance thereof. The proceeds from the sale of the bonds remaining after payment of the expenses of issuance thereof shall be retained in said fund and paid out from time to time on orders or warrants issued by or on the direction of the Authority for any one or more of the purposes specified in Section 2 of this Act as may be deemed by the Authority to be most advantageous to the State, and such proceeds shall be used solely for such purposes and shall be allocated and expended by the Authority in the amount out as follows:

a. fifty two million four hundred fifty six thousand dollars (\$52,456,000) to colleges and universities to be distributed as follows:

(1) \$7,500,000.00 of such proceeds shall be distributed to the Board of Trustees of the University of Alabama to be used at its Tuscaloosa campus;

(2) \$7,500,000.00 of such proceeds shall be distributed to the Board of Trustees of the University of Alabama to be used at its Birmingham campus;

(3) \$3,333,000.00 of such proceeds shall be distributed to the Board of Trustees of the University of Alabama to be used at its Huntsville campus;

(4) \$7,500,000.00 of such proceeds shall be distributed to Auburn University;

(5) \$2,500,000.00 of such proceeds shall be distributed to Auburn University at Montgomery;

(6) \$3,667,000.00 of such proceeds shall be distributed to the University of South Alabama;

(7) \$2,790,000.00 of such proceeds shall be distributed to the University of Montevallo;

(8) \$3,333,000.00 of such proceeds shall be distributed to Florence State University;

(9) \$3,333,000.00 of such proceeds shall be distributed to Jacksonville State University;

(10) \$2,333,000.00 of such proceeds shall be distributed to Livingston State University;

(11) \$3,333,000.00 of such proceeds shall be distributed to Troy State University;

(12) \$2,667,000.00 of such proceeds shall be distributed to Alabama Agricultural and Mechanical University;

(13) \$2,667,000.00 of such proceeds shall be distributed to Alabama State University.

b. twenty-two million five hundred thousand dollars (\$22,500,000) to Junior Colleges and Vocational-Technical Institutes to be distributed as follows:

1. Alexander City State Junior College	\$ 557,872
2. S. D. Bishop State Junior College	550,619
3. Brewer State Junior College	310,833
4. John C. Calhoun State Tech. Jr. Col.	1,000,000
5. Jefferson Davis State Jr. Col.	310,833
6. Enterprise State Junior Col.	588,206
7. Faulkner State Jr. Col.	615,805
8. Gadsden State Jr. Col.	1,070,531
9. Patrick Henry State Jr. Col.	310,833
10. Jefferson State Jr. Col.	2,500,000
11. T. A. Lawson State Jr. Col.	865,823
12. Northeast Alabama State Jr. Col.	331,690
13. Northwest Alabama State Jr. Col.	450,000
14. Snead State Junior College	554,575
15. Southern Union State Jr. Col.	530,176
16. George C. Wallace State Tech. Jr. Col., Dothan	673,271
17. George C. Wallace State Jr. Col., Selma	424,599
18. Lurleen B. Wallace State Jr. Col.	475,000
19. Phenix City State Junior College	900,000
20. Alabama Institute of Aviation Tech.	258,190
21. Alabama Technical College — Gadsden	403,232
22. Ayers State Technical College	298,594
23. Bessemer State Technical College	432,348
24. Calhoun State Tech. Trade School	360,755
25. Carver State Tech. Trade School	174,272
26. Drake State Technical Col.	191,885
27. Gadsden State Technical Inst.	207,425
28. Hobson State Technical Inst.	259,226
29. MacArthur State Tech. Col.	422,398
30. Muscle Shoals Tech. Inst.	345,733
31. Northwest Alabama State Technical Col.	317,761
32. Nunnelle State Tech. Inst.	317,761
33. Opelika State Technical Col.	404,786
34. Patterson State Tech. Col.	345,215
35. Reid State Technical Col.	344,697
35. Shelton State Technical Col.	299,112
37. Sparks State Technical Inst.	107,115
38. Southwest State Tech. Col.	392,873
39. Trenholm State Trade School	297,559
40. Tuscaloosa State Trade School	135,423



41. Walker County State Trade School	441,048
42. Wallace State Technical Trade School, Dothan	563,935
43. Wallace State Technical Institute, Cullman	615,616
44. Wallace State Technical Institute, Selma	239,542
45. Wenonah State Technical School	201,210
46. Atmore Trades School	216,232
47. J. F. Ingram State Trade School	211,052
48. Regional Technical Institute	257,672
*Talladega Voc. School for Deaf	416,667

\*Not a portion of the Junior College and Trade School funds.

c.) one hundred million dollars (\$100,000,000) for elementary-secondary systems to be distributed as follows:

(1) One hundred thousand dollars (\$100,000) shall be paid to each city and county board of education and to the Alabama Institute for Deaf and Blind at Talladega, Girls Industrial School at Chalkville, Boys Industrial School at Birmingham, and the Industrial School at Mt. Meigs.

(2) The residue from the one hundred million dollars (\$100,000,00) after providing for costs involved in issuing said bonds and (1) above shall be allocated and distributed to city and county boards of education, pro rata, on the basis of teacher units as determined in accordance with the minimum school program for the school year 1973-74 to be used for the construction of school building facilities, including buildings and equipment, for reconstruction, alteration, equipment and improvement of existing school buildings in school building centers approved by the State Department of Education as permanent school centers.

(3) Of the amount allocated in sub section (1) and (2) above to Covington County, one hundred thousand dollars (\$100,000) shall be expended for Straughn School and the remainder for the Red Level schools.

Of the amount allocated in sub section (1) and (2) above to Mobile County, one million dollars (\$1,000,000) shall be expended for a school at Theodore, Alabama and the remainder shall be allocated to the Board of Education of Mobile County.

Of the amount allocated in sub section (1) and (2) above to Franklin County, two hundred and fifty thousand dollars (\$250,000) shall be expended for a gymnasium at Red Bay High School, Red Bay, Alabama and the remainder shall be allocated to the Board of Education of Franklin County.

Of the amount allocated in sub section (1) and (2) above to Jefferson County, one million dollars (\$1,000,000) shall be expended for McAdory High School, McCalla, Alabama and

the remainder shall be allocated to the Board of Education of Jefferson County.

Of the amount in sub-section (1) and (2) above to Butler County Board of Education, two hundred and fifty thousand dollars (250,000) shall be expended for additional school buildings at McKenzie High Schools — and the remainder shall be used at the discretion of the Board of Education of Butler.

Of the amount in sub-section (1) and (2) above to Crenshaw County Board of Education, two hundred and fifty thousand dollars (250,000) shall be expended for a gymnasium at Dozier High School—and the remainder shall be used at the discretion of the Board of Education of Crenshaw County.

Of the amount allocated in sub-section (1) and (2) above to Chilton County Board of Education four hundred and fifty thousand dollars (450,000) shall be expended for a gymnasium at Jemison High School and two hundred and fifty thousand dollars shall be expended for an auditorium at Thorsby High School and the remainder shall be used at the discretion of the Board of Education of Chilton County.

The expenses of issuance of the bonds shall be prorated among the recipients listed in subsections (a), (b), and (c) of the proceeds from the sale of the bonds in the proportions they receive allocations of such proceeds hereunder.

Each building constructed wholly or in part with any portion of the proceeds of the bonds shall be constructed pursuant to plans and specifications approved by the Technical Staff of the Building Commission, or any agency that may be designated by the Legislature as its successor, and the costs of architectural and supervisory services shall be construed to constitute construction costs.

The proceeds derived from the sale of any refunding bonds issued under this Act remaining after paying the expenses of their issuance shall be used for the purpose of refunding the principal of the outstanding bonds for the refunding of which such refunding bonds were issued and paying any premium that may be necessary to be paid in order to retire the bonds so refunded.

( ) Alabama Educational Television  
Commission .....\$600,000.00

For the construction and equipping of an educational television studio at Mobile, Alabama. Such funds shall also be used in constructing and equipping such microwave transmission and receiving facilities as may be necessary to connect

said studio into the existing Alabama Public Television Network and shall further be used to replace or reconstruct and equip the present television transmitting facilities serving Mobile and Baldwin Counties and other parts of southwest Alabama.

(d) Two million two hundred fifty thousand dollars (\$2,250,000) to be distributed as follows for restoration or replacement of public schools which have been destroyed by fire:

(1) Gadsden City (Gadsden High School)	\$450,000
(2) Midfield City (Rutledge High School)	\$300,000
(3) Jefferson County (Hewitt Elementary)	\$300,000
(4) Crenshaw County (Highland Home)	\$100,000
(5) Walker County (Sumiton)	\$450,000
(6) Houston County (Wicksburg)	\$150,000
(7) Lamar County (Sulligent)	\$300,000
(8) Bibb County (Randolph Elementary)	\$100,000
(9) Henry County (Middle School)	\$100,000
(e) Two million one hundred fifteen thousand (\$2,115,000) to be distributed to the following institutions:	
(1) Alabama Institute for Deaf and Blind	\$450,000
(2) Livingston State University	\$1,000,000
(3) Snead Junior College	\$265,000
(4) Alabama State University for Library	\$400,000

**Section 9. Severability.** In the event any section, sentence, clause or provision of this Act shall be declared invalid by a court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this Act, which shall continue effective.

**Section 10. Effective Date.** This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 1:41 P.M.

Act No. 1278

S. 402—Harris

### AN ACT

To provide that the State Personnel Department, with the advice of The Alabama State Employees' Association, shall provide for service recognition pins for state personnel.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The State Personnel Department, with the advice of the Alabama State Employees' Association and approval of the Governor, shall have designed a distinctive longevity service recognition pin for each of the various state departments and state agencies, and shall promulgate rules and regulations concerning the award thereof.

**Section 2.** Each department and agency of state government is hereby authorized and empowered to expend state funds for the purchase and awarding of such pins, together with certificates of appreciation.

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 2:45 P.M.

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Act No. 1279

S. 448—Lindsey

### AN ACT

To regulate further the office of circuit solicitor of the First Judicial Circuit of Alabama: Creating special funds for expenditure by the circuit solicitor in law enforcement and in the conduct of his office.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** All fees hereafter taxed as solicitors' fees and collected as a part of the costs in the circuit court of any county in the First Judicial Circuit shall be paid into the county treasury where the fee is imposed and collected, to the credit of a solicitor's fund, to be used and expended by the circuit solicitor as provided in Section 2 of this Act.

**Section 2.** The circuit solicitor of the First Judicial Circuit is hereby authorized and empowered to make requisition on the solicitor's fund for the payment of any and all expenses incurred by him for law enforcement and in the proper discharge and conduct of the duties of his office, as he may see fit, except that such requisition for the payment of expenses shall not exceed the amount in said fund. The county treasurer or custodian of county funds shall pay out such funds upon requisition of the solicitor.

**Section 3.** All laws or parts of laws which conflict with this Act are repealed.

**Section 4.** This Act shall become effective on the first day

of the month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 5:10 P.M.

Act No. 1280

S. 528—Pierce

### AN ACT

To validate moral obligations, not exceeding five hundred dollars (\$500.00) in amount, paid by the Alabama Industrial School for Negro Children for motor vehicle accidents involving employees during the period October 1, 1966 through September 30, 1968.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Moral obligations, not exceeding five hundred dollars (\$500.00) in amount, paid by the Alabama Industrial School for Negro Children from funds available to that institution for motor vehicle accidents involving employees of the said school, during the period October 1, 1966 through September 30, 1968, are hereby validated and approved.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 5:10 P.M.

Act No. 1281

S. 579—O'Bannon

### AN ACT

To authorize the governing bodies of the several counties of the State to pay all expenses incurred by the Tax Assessors, Tax Collectors, Circuit Clerks and Registers or other like official by membership in their State organization.

*Be It Enacted by the Legislature of Alabama:*

**SECTION 1.** The governing bodies of the several Counties of the State are hereby authorized to pay all dues, fees and expenses of the Tax Assessor, Tax Collector, Circuit Clerks and Registers, License Commissioner, or other like official charged with the responsibility of assessing and/or collectng Ad Valorem taxes in their respective Counties that are incurred by such individuals through membership in and/or attendance at official functions of their State organizations.

**SECTION 2.** Such dues, fees and expenses may be paid from the general fund of each County.

**SECTION 3.** Membership dues and fees may be paid by remittance to the Secretary/Treasurer of such organization upon presentation of a statement therefor.

**SECTION 4.** Expenses may be remitted directly to the individual concerned upon presentation of an itemized statement, supported by receipts, indicating actual expenses incurred. Such statement may be properly sworn to and notarized.

**SECTION 5.** The provisions of this act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**SECTION 6.** All laws or parts of laws which conflict with this Act are repealed.

**SECTION 7.** This Act shall become effective immediately upon its passage and approval by the Governor, or otherwise becoming law.

Approved September 20, 1973.

Time: 4:10 P.M.

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Act No. 1282

S. 698—Owen, Pelham

### AN ACT

To make appropriations from the general fund in the State Treasury to the Board of Corrections Fund to be used for Law Enforcement Planning Agency matching funds for the fiscal years ending September 30, 1974 and 1975.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** There is hereby appropriated from the general fund in the State Treasury to the Board of Corrections Fund to be used for Law Enforcement Planning Agency matching funds the following amounts:

For the fiscal year ending September 30, 1974 .....\$82,565.00

For the fiscal year ending September 30, 1975 .....\$90,000.00

The appropriations herein made shall be in addition to any and all other funds heretofore or hereafter appropriated to the Board of Corrections Fund.

**Section 2.** This act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 5:10 P.M.

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Act No. 1283

S. 707—Pelham, Lybrand, Harris

AN ACT

To further regulate the procedure for keeping a record of certain non-consumable personal property owned by the State.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** After the effective date of this act, the property manager of each department or agency of the State shall make a full and complete inventory of all non-consumable personal property, except books, of the value of one hundred dollars (\$100.00) or more hereafter acquired or used by said department or agency.

**Section 2.** All laws or parts of laws which conflict with this act here hereby repealed.

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 2:50 P.M.

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Act No. 1284

S. 709—Pelham, Lybrand, Harris

AN ACT

To provide that any legislative proposal affecting the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama be accompanied by an actuarial estimate of all future contributions required of the State or members of the Retirement Systems.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** All proposed legislation affecting the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama shall be accompanied by an actuarial estimate of the cost involved in such proposed legislation.

**Section 2.** All laws or parts of laws in conflict with this act are hereby repealed.

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 2:50 P.M.

Act No. 1285

S. 711—Pelham, Lybrand, Harris

### AN ACT

To amend Section 708, Title 51, Code of Alabama 1940, by increasing the payment for replacement motor vehicle license plates to three dollars, one dollar to be retained by the license inspector or the probate judge and two dollars to be remitted to the department of revenue.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 708, Title 51, Code of Alabama 1940, is hereby amended to read as follows:

**Section 708: License plates; mutilation of, substitution for; penalty.**

(a) It shall be unlawful for any person to mutilate or alter for the purpose of deception any motor vehicle tag, plate or validation stamp or to use upon any motor vehicle any tags, plates or validation stamps in imitation of or substitution for authorized issued tags, plates or validation stamps. It shall be the duty of all sheriffs, police officers, highway patrolmen, license inspectors, deputy license inspectors, field agents of the department of revenue to arrest any person violating the provisions of this section and upon conviction of any such person a fine of not exceeding one hundred dollars may be imposed for each offense. The license inspector shall receive the same fee for making such arrests as is now received by the sheriffs, or if such arrests are made by his deputy, which arrest fee shall be collected as a part of the costs in any such action before a justice of the peace or other court or like jurisdiction.

(b) **Replacements**—In case one or both of the tags, plates or validation stamp becomes so mutilated as to make it or them illegible, the owner of the vehicle must file with the county license inspector, or if there is no license inspector then with the probate judge, an application setting forth the facts that the tags, plates or validation stamp or one of them has been lost, mutilated or destroyed and upon payment of three dollars and the surrender of the tag or tags, plate or plates one or both of which are so mutilated or lost, the license inspector



shall forward such tag or tags, plate or plates which have been surrendered, together with the application and two dollars to the department of revenue who shall issue without additional charge a set of replacement tags or plates and forward same to the party designated by the license inspector on the application. The license inspector shall retain one dollar for his service and to defray the cost of mailing the tags or plates to the department of revenue. Should the lost tag or tags, plate or plates be removed or come into the possession of such applicant, he must immediately deliver same to the license inspector. Should any person use upon any motor vehicle the old tag or tags, plate or plates, he shall be guilty of a misdemeanor and upon conviction fined as provided in subsection (a) hereof, and shall in addition be required to procure a proper license at the annual rate levied for such license.

(c) Any person using a motor vehicle with improper license, improper tag or tags, plate or plates or validation stamp, or failing to have tag or tags, plate or plates properly displayed, or with only one tag or plate shall be notified in writing by the license inspector or field agent. If after five days from the date of such notice said person fails or refuses to comply with said notice, the license inspector shall thereupon issue citation to such person to appear instantan and procure such proper license or in the case of mutilated or lost license plate or plates to make the application and pay the amount as herein provided; where such person is cited for improperly displaying the license plate or plates and fails or refuses to comply with the citation of the license inspector, such person shall be arrested, and upon conviction, fined as herein provided. In each case where the citation has been served in accordance herewith the license inspector shall be entitled to a citation fee of one dollar and fifty cents.

**Section 2.** This Act shall be effective on the first day of the month next following its passage and approval by the Governor or its otherwise becoming a law.

Approved September 19, 1973.

Time: 2:55 P.M.

Act No. 1286

S. 712—Pelham, Lybrand, Harris

## AN ACT

To create the position of Manager of Printing and Publications in the Department of Finance, to provide for the functions, duties, and responsibilities of this position, to provide for the employment of a manager and additional employees and their compensation, and to make an appropriation.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** There shall be in the Department of Finance an officer who will be responsible for coordination and control of all printing and publication performed by all agencies of the State of Alabama. This officer shall serve under the direction and control of and be appointed by the Director of the Department of Finance, with the approval of the Governor, subject to the State Merit System law and his compensation shall be fixed in accordance with the State Merit System pay plan.

**Section 2.** The functions, duties, and powers of such officer are as follows:

(1) To make investigations, studies, and inventories relative to all printing and publication activities performed by State agencies.

(2) To make recommendations to the Director of Finance and with his approval to consolidate and centralize the present printing facilities of the State and to specify the number and location of such facilities.

(3) To approve and to consolidate all purchases of printing equipment and supplies, equipment locations, and printing schedules in the Capitol complex.

(4) To centralize printing order schedules to enable such work to be performed at the lowest possible cost.

(5) To establish a formal cost and billing system.

(6) To review all work done by vendors for the State in an effort to determine how much of such work could be performed by State printing facilities.

(7) To consolidate and authorize all purchase of photographic equipment and supplies.

(8) To promulgate such rules and regulations as he may deem necessary to carry out the provisions of this Act.

**Section 3.** Additional employees as may be needed shall be employed subject to the provisions of the State Merit System Act and their compensation shall be fixed in accordance with the Merit System pay plan.

**Section 4.** There is hereby appropriated the sum of \$30,000 for each of the fiscal years ending September 30, 1974, and September 30, 1975, from any funds in the State Treasury not otherwise appropriated to carry out the provisions of this Act.

**Section 5.** The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 6.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 7.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved September 19, 1973.

Time: 2:55 P.M.

Act No. 1287

S. 718—Pelham, Lybrand, Harris

### AN ACT

To amend Section 9 of Act No. 341, H. 26, Regular Session 1945 (Acts 1945, p. 554), which pertains to the Department of Conservation and Natural Resources' powers and duties with respect to lands owned by the State of Alabama, so as to provide that the maximum amount charged by said Department for administering, managing, protecting or developing state owned land will be raised from five percent (5%) of the gross income derived from said land to seven and one-half percent (7½%).

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 9 of Act No. 341, H. 26, Regular Session 1945 (Acts 1945, p. 554) is amended to read as follows:

“Section 9. That in no case shall the charges for administering, managing, protecting or developing said real estate exceed *seven and one-half percent (7½%)* of the gross income derived from said real estate.”

**Section 2.** All laws or parts of laws in conflict with this act are hereby repealed.

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 2:55 P.M.

Act No. 1288

S. 721—Pelham, Lybrand, Harris

### AN ACT

To provide for the purchase of materials, equipment, supplies or other personal property from the United States Government or any of its agencies without receiving competitive bids on such purchases.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The State may without advertisement or receiving competitive bids purchase materials, equipment, supplies, or other personal property from the United States Government or any agency, division, or instrumentality thereof when such purchase is deemed by the State Purchasing Agent to be in the best interest of the State of Alabama.

**Section 2.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved September 19, 1973.

Time: 2:55 P.M.

Act No. 1289

S. 723—Pelham

### AN ACT

To amend further Section 64 of Title 36, Code of Alabama, (1940), as amended, so as to increase the fee for learner's permits to fifty cents.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 64 of Title 36 is hereby further amended to read as follows: "Section 64 (a) Any person sixteen years of age or older who, except for his lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a driver's license under this article, may apply for a learner's permit and the judge of probate may issue such permit upon a form which shall be provided by the director of public safety, entitling the applicant, while having such permit in his immediate possession, to drive a motor vehicle upon the highways for a period of thirty days, but, except when driving a motorcycle, such person must be accompanied by a licensed driver who is actually occupying a seat beside the driver. At the time of applying for such permit, the applicant shall pay to the judge of probate a fee of fifty cents and the judge of probate shall give him a receipt therefor on a form to be provided by the director of public safety. Such temporary instruction permit may be renewed only by order of the director of public safety, and in no case shall the original permit be renewed or extended more than once. Provided, however, that the judge of probate shall not issue the temporary instruction permit until the applicant has undergone the same examination that

a person applying for a driver's license is required by law to undergo, with the exception of the driving test, and produced a certificate to that effect signed by the proper examining officer.

(b) Any person not less than fifteen but under sixteen years of age may obtain a permit to learn to operate a motor vehicle upon application to the judge of probate of the county in which he or she resides, which permit shall entitle such person to operate a motor vehicle when he or she is accompanied by a parent or his or her legal guardian who is duly licensed in this state as a motor vehicle operator, or when accompanied by a licensed or certified driving instructor, who is actually occupying a seat beside the motor vehicle operator. The application for such a learner's permit must be accompanied by payment of a fee of fifty cents, to be distributed as provided in section 61 of this title, as heretofore or hereafter amended; and the age of the applicant must be substantiated by the applicant filing with the judge of probate a certified copy of his or her birth certificate. A permit issued under this subsection shall be in such form as the director of public safety may prescribe; it shall expire on the day after the holder thereof becomes sixteen years of age; and when the holder subsequently applies for a driver license, the certificate thereof shall be prima facie evidence that the permit holder was fifteen years of age or older on the date of its issuance. Such a permit may be suspended or revoked in the same manner and for the same causes as a driver license and many also be revoked for any violation of the terms and conditions on which it was issued. The judge of probate shall not issue such a permit to any person until the applicant has undergone the same examination that a person applying for a driver license is required by law to undergo, with the exception of the driving test, and has produced a certificate to that effect signed by the proper examining officer.

**Section 2.** All laws or parts of laws that are in conflict with this act are hereby repealed.

**Section 3.** If any part of this act is held unconstitutional or otherwise invalid, the part that remains shall be unaffected thereby.

**Section 4.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 3:01 P.M.

Act No. 1290

S. 724—Pelham, Lybrand, Harris

## AN ACT

To amend further Section 74 of Title 36, Code of Alabama, (1940) as amended, so as to increase the fee for a duplicate driver's license to \$1.50.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 74 of Title 36, Code of Alabama (1940), as amended, is hereby further amended to read as follows:

"Section 74 In the event any drivers license issued under the provisions of this article is lost or destroyed, the person to whom the same was issued may upon payment of a fee of one-dollar and fifty cents (\$1.50) and upon furnishing proof to the director of public safety that the same has been lost or destroyed, secure a duplicate. The second and subsequent duplicates applied for will require the payment of a fee of four dollars (\$4.00) and upon furnishing proof to the director of public safety that his previously held license or duplicate has been lost or destroyed, secure another duplicate. Application for such duplicate will be made to the director of public safety on forms provided by him. The said fee shall be collected by the director, paid into the state treasury and credited to the department of public safety.

(b) Any person making a false affidavit to the director of public safety for the purpose of obtaining a duplicate driver's license shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more than thirty days or by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).

**Section 2.** All laws or parts of laws that are in conflict with this act are hereby repealed.

**Section 3.** If any part of this act is held unconstitutional or otherwise invalid, the part that remains shall be unaffected thereby.

**Section 4.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 3:01 P.M.

Act No. 1291

S. 774—Pelham, Lybrand, Harris

## AN ACT

To create the Minerals Resource Management Committee; to provide for its membership, duties and responsibilities.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** There is hereby created the Minerals Resource Management Committee which shall consist of three members serving ex officio as follows:

The State Geologist, the Commissioner of Conservation and Natural Resources, and the Director of Finance.

The chairmanship of the committee shall rotate annually, each member serving in such capacity every third year, beginning with the Commissioner of Conservation and Natural Resources, followed by the Director of Finance and the State Geologist.

**Section 2.** The Minerals Resource Management Committee shall meet once a month in Montgomery, Alabama, and at such other times and in such other places as a majority of the committee shall designate. The members of the Minerals Resource Management Committee shall serve without compensation but shall receive their actual expenses while attending their meetings or while performing the official duties of the committee.

**Section 3.** The major function of the Minerals Resource Management Committee is to maximize the income realized by the State from oil, gas and other mineral resources owned by the State. In order to fulfill this function, the Minerals Resource Management Committee is hereby empowered and authorized to coordinate the activities of all state departments and agencies, but particularly the Department of Conservation and Natural Resources and the State Oil and Gas Board, relating to the development of the mineral resources owned by the State. All such state departments and agencies shall cooperate fully with the committee in providing information requested by the committee. The Minerals Resource Management Committee shall, from time to time, hold public hearings when the chairman deems it in the public interest to do so. All recommendations made by the Minerals Resource Management Committee and approved by the Governor shall be implemented within the period of time prescribed by such recommendations, as long as they are consistent with existing laws and statutes of the State.

**Section 4.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 5.** This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 3:05 P.M.

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Act No. 1292

S. 777—Owen

### AN ACT

Relating to counties having populations of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, providing an additional expense allowance for the county solicitor from the County Solicitor's Fund of such counties.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In counties having populations of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, the county solicitor is entitled to and shall receive, in equal monthly installments from the County Solicitor's Fund of such counties, \$100.00 per month as an expense allowance. The allowance herein provided shall be in addition to any and all other such expense allowances heretofore provided by law.

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 5:15 P.M.

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Act No. 1293

S. 865—Weaver

### AN ACT

Relating to all counties having populations of not less than 65,000 nor more than 68,000; providing further for the compensation of the tax assessor and tax collector in all such counties.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In all counties having populations of not less than 65,000 nor more than 68,000, according to the most recent federal decennial census, the successors to the incumbent tax assessor and tax collector shall each be entitled to a salary of \$12,500 per annum, to be paid in equal monthly installments in the same manner as the salaries of other county officers are paid.



**Section 2.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** All laws or parts of law which conflict with this act are repealed.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 5:15 P.M.

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Act No. 1294

S. 725—Pelham, Lybrand, Harris

AN ACT

To create the Office of Space Management in the Department of Finance, to prescribe its powers, duties, and responsibilities, to authorize the hiring of a director and staff, and to provide for the compensation of such employees, and to make an appropriation.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** There shall be in the Department of Finance an Office of Space Management, which shall be headed by and under the supervision, direction, and control of an officer who shall be designated Director of Space Management, to be appointed, subject to the provisions of the State Merit System law, by the Director of Finance with the approval of the Governor. The compensation of such officer shall be fixed in accordance with the pay plan of the State Merit System.

**Section 2.** The functions, powers, and duties of the Office of Space Management shall be as follows:

- (1) To formulate a statewide Space Management Program.
- (2) To establish long range plans in regard to State space needs.
- (3) To make studies, surveys, investigations, and inventories of all buildings owned or leased by the State and to require all agencies to assist in such activities.
- (4) To promulgate uniform standards for allocation of facilities owned or leased by the State.
- (5) To investigate all requests for additional facilities needed by all State agencies and to make recommendations con-

cerning the need for and the best method of allocating or acquiring such facilities.

(6) To contract with other agencies, corporations, or individuals to make studies, surveys, investigations, inventories, and recommendations relative to the most economic and feasible methods of acquiring new space and utilization of present space.

(7) To assist and advise the Director of Finance in allocating available space and in acquiring new space.

(8) To make recommendations and reports to the Legislature relative to the proper utilization of and acquisition of space by State agencies.

(9) To make rules and regulations necessary to implement the provisions of this Act.

**Section 3.** The Director of Finance may employ, subject to the provisions of the State Merit System, such additional employees as may be needed and fix their compensation in accordance with the State Merit System pay plan.

**Section 4.** There is hereby appropriated the sum of \$30,000 for each of the fiscal years ending September 30, 1974 and September 30, 1975, from any funds in the State Treasury not otherwise appropriated to carry out the purposes of this Act.

**Section 5.** The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 6.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 7.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved September 19, 1973.

Time: 5:15 P.M.

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Act No. 1295

S. 944—Cook

### AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the City of Vestavia Hills, Jefferson County, Alabama.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The boundary lines and corporate limits of the City of Vestavia Hills in Jefferson County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of the city, in addition to the area now embraced within the corporate limits of the city, the following described territory:

A portion of property embraced in a Survey of WALDRIDGE TERRACE, situated in Sections 30 and 31, Township 18 South, Range 2 West, Jefferson County, Alabama, as recorded in Map Book 14, Page 33, in the Office of the Judge of Probate of Jefferson County, Alabama, and being more particularly described as follows:

**PARCEL 1:** Begin at the NW corner of the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 30, Township 18 South, Range 2 West, and run in an easterly direction along the northerly line of said SW $\frac{1}{4}$  of SW $\frac{1}{4}$  to the NE corner of Lot 26, in Block 3, according to said Survey of Waldridge Terrace; thence in a southerly direction along the westerly line of Lots 26, 25, 24, 23, 22, 21, 20, 19, 18, 17 and 16, in said Block 3, to the SW corner of said Lot 16; thence in an easterly direction along the southerly line of said Lot 16 and the prolongation thereof to the SW corner of Lot 4, in Block 5, of said survey; thence in a southerly direction along the westerly line of Lots 5 and 6, in said Block 5, to the SW corner of said Lot 6; thence in an easterly direction along the northerly line of Merryvale Road (formerly Washington Avenue) to the Old Montgomery Highway, in the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section 30; thence in a southwesterly and southeasterly direction along the Old Montgomery Highway to the intersection of said Old Montgomery Highway and Rose Avenue, in the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 31, Township 18 South, Range 2 West; thence in a southwesterly direction along the southeasterly line of Lot 11, in Block 13, of said survey, to the SW corner of said Lot 11; thence in a northwesterly direction along the southwesterly line of Lots 11, 10, 9, 8, 7, 6, 5 and 4, in said Block 13, to Malibu Place (formerly Pine Street); thence in a northerly direction along Malibu Place to the SE corner of Lot 20, in Block 11, of said survey; thence in a westerly direction along the southerly line of said Lot 20 to the SW corner of same; thence in a northerly direction along the easterly line of Lots 20, 21, 22, 23 and 24, in said Block 11, to Pearl Avenue; thence in a westerly direction along Pearl Avenue to the westerly line of the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 31, Township 18 South, Range 2 West; thence in a northerly direction along the westerly line of the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 31 and the westerly line of the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 30, Township

18 South, Range 2 West, to the SW corner of Lot 4, in Block 9, of said survey; thence in a easterly direction along the southerly line of Lot 4, in said Block 9, and the southerly line of Lot 4, in Block 8, of said survey, to the SE corner of Lot 4, in said Block 8; thence in a northerly direction along the easterly line of Lots 4, 3, 2 and 1, in said Block 8, to Merryvale Road; thence in an easterly direction along Merryvale Road to the SE corner of Lot 14, in Block 2, of said survey; thence in a northerly direction along the easterly line of Lots 14, 15 and 16, in said Block 2, to the NE corner of said Lot 16; thence in a westerly direction along the northerly line of said Lot 16 to the NW corner of same; thence in a northerly direction along the easterly line of Lots 10, 9, 8, 7, 6, 5, 4 and 3, in Block 2, of said survey, to the NE corner of said Lot 3; thence in a westerly direction along the northerly line of said Lot 3 to Post Oak Road (formerly Walnut Street); thence in a southerly direction along Post Oak Road to the SE corner of Lot 8, in Block 1, of said survey; thence in a westerly direction along the southerly line of said Lot 8 to the westerly line of the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 30, Township 18 South, Range 2 West; thence in a northerly direction along the westerly line of said SW $\frac{1}{4}$  of SW $\frac{1}{4}$  to the point of beginning.

**PARCEL 2:** A portion of Block 4, according to a Survey of WALDRIDGE TERRACE, lying in the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 30, Township 18 South, Range 2 West, Jefferson County, Alabama, as recorded in Map Book 14, Page 33, in the Office of the Judge of Probate of Jefferson County, Alabama, and being more particularly described as follows:

Begin at a point on the northerly line of Lot 13, in Block 4, according to said survey, said point being 105 feet west of the Old Montgomery Highway; thence run in a southerly direction along a line 105 feet from and parallel to the Old Montgomery Highway a distance of 390 feet to a point on Lot 7, in Block 4, of said survey; thence in an easterly direction to said Old Montgomery Highway; thence in a northerly direction along said Old Montgomery Highway to the northerly line of Lot 13, in said Block 4; thence in a westerly direction along the northerly line of said Lot 13 to the point of beginning.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 3:00 P.M.

## AN ACT

To amend Act No. 218 adopted at the 1967 Special Session of the Legislature respecting municipal public park and recreation boards, to exempt any corporation organized pursuant thereto from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, and from the laws of the State of Alabama requiring competitive bidding in connection with contracts, and to amend the definitions in the said act to include public restroom facilities, boats, rides and amusement facilities in the definition of "project" therein.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 2 of Act No. 218 adopted at the 1967 Special Session of the Legislature of Alabama, approved May 10, 1967, is hereby amended to read as follows:

"Section 2. Whenever used in this act unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall be given the following respective interpretations:

"Corporation" shall mean any corporation organized pursuant to the provisions of this act.

"Municipality" means any incorporated city or town in this state with respect to which a corporation may be organized.

"Project" means any land and interest therein, including forests, rivers, streams, waterways, and lakes, and any buildings or other improvements thereon, and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for a public park and all buildings, facilities and improvements incident thereto or useful in connection therewith, including but without limitation picnic areas, camp sites, trailer sites, cabins, lodges, roads and trails for hiking, bicycling or horseback riding, nature trails, botanical gardens, zoos, museums, athletic fields, golf courses, tennis and badminton courts, public restroom facilities, boats, rides, amusement facilities, bowling alleys, skeet, trap, rifle and archery ranges, swimming pools, bathhouses, beaches, docks and marinas, boating facilities, areas and facilities for fishing and hunting, areas and facilities for aquatic entertainment and sports, stadiums, coliseums, arenas, grandstands, auditoriums, meeting halls, pavilions, centers for cultural entertainment, music, drama, exhibitions and exhibits, amphitheatres, administrative or office buildings and public accommodation facilities as hereinafter defined.

"Public accommodation facilities" means buildings, facilities and improvements for the accommodation of visitors to such public park, including without limitation of the foregoing,

motels, restaurants, coffee shops, stores to provide groceries, drugs and other items, sports, gift and souvenir shops and launderettes, provided, however, that nothing contained in this act is intended to authorize any such corporation itself to operate as a commercial enterprise any such shops, stores, motels, or restaurants."

**Section 2.** The said Act No. 218 is hereby amended by adding at the end thereof two new sections, numbered 20 and 21, respectively, which shall read as follows:

"Section 20. Each corporation organized pursuant to the provisions of this act is hereby exempted from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940, as amended.

"Section 21. Each corporation organized pursuant to the provisions of this act is hereby exempted from the laws of the State of Alabama governing or respecting competitive bidding with respect to contracts of such corporation, including, without limitation, the provisions of Act No. 217 adopted at the 1967 Special Session of the Legislature of Alabama, as amended."

**Section 3.** This act shall take effect immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved September 20, 1973.

Time: 4:10 P.M.

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Act No. 1297

S. 393—Pierce

### AN ACT

To amend Title 13, Section 255, Code of Alabama, 1940, as amended, relating to the appointment of deputy district attorneys for the Fifteenth and Twenty-sixth Judicial Circuits of Alabama, and their salaries.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** That Title 13, Section 255, Code of Alabama, 1940, as amended, be further amended as follows:

"Section 255. Appointment of deputy district attorneys of the fifteenth judicial circuit and of the twenty-sixth judicial circuit; salaries.—The district attorney for the fifteenth judicial circuit of Alabama may appoint the following deputy district attorneys and such persons shall serve at the pleasure of the district attorney:

(a) Two full-time deputies who shall be paid an annual salary by the state of Thirteen Thousand six hundred dollars (\$13,600.00).

(b) One part-time deputy who shall be paid an annual salary by the state of six thousand dollars (\$6,000.00).

(c) One part-time deputy who shall be paid an annual salary by the state of fifty-four hundred dollars (\$5,400.00).

The district attorney for the twenty-sixth judicial circuit of Alabama may appoint one full-time deputy who shall be paid an annual salary by the state of thirteen thousand dollars (\$13,000.00).

The salaries herein provided are to be paid as the salaries of other state officers are paid and shall be in addition to any amounts paid by the county as provided by law.

The two part-time deputy district attorneys herein provided for shall not be subject to the provisions of subsection (12) of section 229, Title 13, Code of Alabama, 1940, and all five deputy district attorneys shall perform such duties as are assigned to them by the district attorney. (1939, p. 468; 1955, 2nd Ex Sess., p. 148, appvd. April 1, 1955; 1965, p. 1182, appvd. August 31, 1964; 1971, No. 2224, appvd. Oct. 1, 1971)."

**Section 2.** This Act shall become effective immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 5:10 P.M.

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Act No. 1298

S. 527—Foshee, Littleton

### AN ACT

To apply in all counties having less than 600,000 population according to the last or any subsequent federal census. To provide for the keeping of records by junk dealers and scrap metal processors of the purchases of copper wire subject to inspection by sheriffs and state law enforcement officers, and to provide a penalty for the violation thereof.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In all counties having less than 600,000 population according to the last or any subsequent federal census. Every person licensed as a junk dealer or scrap metal processor shall, when purchasing copper wire, keep a full and complete record of each purchase. Such record shall include a receipt

signed by the seller reflecting the quality and quantity of copper wire purchased, the seller's name and address, the license number of the motor vehicle conveying the copper wire, and the number of the seller's driver's license or his social security number. A copy of such receipt shall be given to the seller. This information shall be retained by the purchaser for a period of not less than one year from the date of purchase, shall be filed by date of purchase and shall at all times be subject to inspection by any sheriff or state law enforcement officer.

**Section 2. Definitions.**—In construing this act, unless the context otherwise requires, the following words or phrases shall mean:

(a) "Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or non-ferrous material.

(b) "Junkyard" means an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.

(c) "Person" means any individual, agency, firm, association or corporation.

(d) "Junk dealer" means any person who is engaged in the business of maintaining and operating a junkyard.

(e) "Scrap metal processing plant" means an establishment or place of business maintaining and operating machinery and equipment used to process scrap iron, steel and other metals to specifications prescribed by, and for sale to, mills and foundaries.

(f) "Scrap metal processor" means a person maintaining and operating a scrap metal processing plant.

(g) "Copper wire" means a wire made of copper or copper alloy which is commonly used or can be used for the transmission and distribution of electricity by electric utilities or communications systems.

**Section 3.** Any person violating any provision of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars or more than one thousand dollars or by imprisonment in the county jail not to exceed six months or both.

**Section 4.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional such declaration shall not affect the remainder.



**Section 5.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 19, 1973.

Time: 2:45 P.M.

Act No. 1299

S. 717—Pelham, Lybrand, Harris

### AN ACT

To create a Data Systems Management Division within the Finance Department, to provide its powers, duties, and authority, to authorize the employment of a Director of such division and additional employees and to provide for their compensation, to create an Advisory Committee and its composition, and to make appropriation.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** There shall be in the Finance Department a Division of Data Systems Management, which shall be headed by and under the direction, supervision, and control of an officer who shall be designated as Director of such division, to be appointed by the Director of Finance with the approval of the Governor. The compensation of such officer shall be fixed at an amount commensurate with the duties and responsibilities of such officer.

**Section 2.** The functions, powers, and duties of the Division of Data Systems Management shall be as follows:

(1) To plan, control, and coordinate State data processing activities in such manner to insure the most economical use of State resources.

(2) To develop and maintain a master plan for the State's data processing activities.

(3) To establish and supervise the administration of such data processing centers deemed necessary to best serve the data processing needs of all agencies.

(4) To provide for the centralization, consolidation, and shared use of equipment and services deemed necessary to obtain maximum utilization and efficiency in data processing operations.

(5) To transfer to any data processing center the data processing activities of any agency.

(6) To provide systems design and programming services to all State agencies.

(7) To select and procure by purchase or by lease any and all data processing systems and associated software deemed necessary to best serve the data processing needs of the State.

(8) To conduct data processing studies as deemed necessary and to enter contracts with other agencies, organizations, corporations, or individuals to make such studies as are deemed to be necessary.

(9) To prepare contract specifications for equipment and services.

(10) To adopt such rules and regulations deemed necessary to carry out the duties and responsibilities imposed by this Act.

**Section 3.** The Director of Finance may employ, subject to the State Merit System Act, such additional employees as deemed necessary to enable the division to perform its duties and responsibilities set out in this Act and their compensation shall be fixed in accordance with the State Merit System pay plan.

**Section 4.** There is hereby created an Advisory Committee to meet on the call of the Director of the Data Systems Management Division and to advise him on such matters as he deems necessary. The Advisory Committee shall be composed of the head of each data processing unit in State service.

**Section 5.** There is hereby appropriated to carry out the provisions of this Act the sum of \$50,000 for each of the fiscal years ending September 30, 1974, and September 30, 1975, from any funds in the State Treasury not otherwise appropriated.

**Section 6.** The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 7.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 8.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved September 19, 1973.

Time: 2:55 P.M.

# OFFICIALS OF THE STATE OF ALABAMA

GEORGE C. WALLACE, Governor

## *Lieutenant-Governor*

Jere Beasley ..... State Capitol

## *Attorney General*

William J. Baxley ..... State Adm. Bldg.

## *State Auditor*

Melba Till Allen ..... State Capitol

## *Secretary of State*

Mabel S. Amos ..... State Capitol

## *Superintendent of Education*

LeRoy Brown ..... State Office Bldg.

## *Commissioner of Agriculture and Industries*

M. D. (Pete) Gilmer ..... State Office Bldg.

## *State Board of Education*

1st District—James D. Nettles

2nd District—Mrs. Isabelle B. Thomasson

3rd District—Mrs. S. A. Cherry

4th District—Betty Frink

5th District—Victor P. Poole

6th District—Harold C. Martin

7th District—H. Ray Cox

8th District—Roscoe Roberts, Jr.

## *Adjustment, State Board of*

Mabel S. Amos, Secretary of State

Melba Till Allen, State Auditor

Mrs. Agnes Baggett, State Treasurer

Taylor Hardin, Director of Finance

## *Adjutant General*

Charles A. Rollo ..... State Adm. Bldg.

## *Aging, Commission on*

Emmett W. Eaton, Executive Director

## *Agriculture and Industries, State Dept. of*

M. D. (Pete) Gilmer, Commissioner ..... State Office Bldg.

## *Agricultural Center Board*

Aubrey H. Fleming,

Coliseum Manager ..... Coliseum, Federal Drive

## *Aeronautics, Alabama Department of*

James Rowe, Director ..... Montgomery

# **OFFICIALS OF THE STATE OF ALABAMA—Continued**

<i>Alabama Development Office</i>	
R. C. "Red" Bamberg, Director .....	Montgomery
<i>Alcoholic Beverage Control Board, Alabama</i>	
Frank W. Potts, Chairman .....	Florence
<i>Alabama Judicial Conference. Criminal Justice Survey</i>	
Charles D. Cole, Director .....	200 So. Hull, 36104
<i>Alabama Law Enforcement Planning Agency</i>	
Robert G. "Bo" Davis, Director	
<i>Architects, State Board for Registration of</i>	
John M. Morton, Secretary .....	429 S. Decatur St.
<i>Archives and History, Department of</i>	
Milo B. Howard, Jr. Director	
<i>Armory Commission, State</i>	
Maj. Gen. Chas. A. Rollo, Vice-Chairman ...	State Adm. Bldg.
<i>Athletic Assn., Ala.</i>	
Herman L. (Bubba) Scott, Ex. Secretary	
<i>Bar Association, Alabama State</i>	
Reginald T. Hamner .....	415 Dexter Ave.
<i>Banking, State Department of</i>	
Robert I. Gullede, Superintendent of Banks	
<i>Board of Examiners in the Basic Sciences, State</i>	
Dr. E. C. Sensenig, Chairman .....	Birmingham
<i>Boxing and Wrestling Commission</i>	
Lawson Lynn, Secretary .....	Montgomery
<i>Budget Officer</i>	
James V. Jordan .....	Montgomery
<i>Building Commission, State</i>	
Hugh Adams, Director .....	Montgomery
<i>Buildings, State</i>	
<i>Chiropractic Examiners, State Board of</i>	
Dr. R. R. Williamson, Sec.-Treas. ....	Roanoke
<i>Civil Defense Agency</i>	
C. J. Sullivan, Director .....	State Adm. Bldg.
<i>Coliseum, State</i>	
A. H. Fleming, Coliseum Manager .....	Federal Drive

## OFFICIALS OF THE STATE OF ALABAMA—Continued

<i>Comptroller, State</i>	
Fred E. Zeigler .....	State Capitol
<i>Conservation and Natural Resources, Dept. of</i>	
Claude D. Kelley, Commissioner .....	Montgomery
<i>Consumer Protection, Department of</i>	
Mrs. Annie Laurie Gunter, Director .....	Montgomery
<i>Contractors, State Licensing Board for General</i>	
Mrs. Elizabeth B. Pitts,	
Executive Secretary .....	State Adm. Bldg.
<i>Corrections, Board of</i>	
L. B. Sullivan, Commissioner .....	Montgomery
<i>Cosmetology, State Board of</i>	
Mrs. Billie K. Jehle, Exec. Secretary .....	Montgomery
<i>Dental Examiners, Board of</i>	
Dr. Leonard Michelson, Sec.-Treas. ....	240, S. Ripley, Mtgy.
<i>Dead Bodies, Board For Distribution and Delivery of</i>	
Dr. E. C. Sensenig, Secretary .....	Birmingham
<i>Docks Department, State</i>	
Reuben E. Wheelis, Director .....	Mobile
<i>Education, State Department of</i>	
LeRoy Brown, Superintendent of	
Education .....	State Office Bldg.
<i>Embalming, State Board of</i>	
Robert N. Bolton, Member .....	Columbiana
<i>Engineers and Land Surveyors, State Board of</i>	
Registration for Professional	
Miss Sarah E. Hines, Exec. Sec. ....	State Adm. Bldg.
<i>Employees' Retirement System of Alabama</i>	
E. L. Bottoms, Secretary-Treasurer .....	State Adm. Bldg.
<i>Entomologists, Horticulturists, Floriculturists and</i>	
Tree Surgeons, Board to Examine	
W. A. Ruffin, Secretary .....	State Office Bldg.
<i>Examiners of Public Accounts, Dept. of</i>	
Alfred W. Steineker, Jr., Chief Examiner .....	State Capitol
<i>Executive Department, Governor's Office</i>	
George C. Wallace, Governor .....	State Capitol
Harry Pennington, Executive Secretary .....	State Capitol

# **OFFICIALS OF THE STATE OF ALABAMA—Continued**

Bill Jackson, Legal Advisor .....	State Capitol
Billy Joe Camp, Press Secretary .....	State Capitol
Kate Simmons, Recording Secretary .....	State Capitol
<i>Farmers' Market Authority</i>	
William M. Arrington, Administrator .....	Montgomery
<i>Finance Department</i>	
Taylor Hardin, Director .....	State Capitol
<i>Fire Marshal, State</i>	
Roy L. Thornell .....	State Capitol
<i>Forestry Commission, Alabama</i>	
Cecil W. Moody, Forester .....	Montgomery
<i>Foresters, State Board of Registration For</i>	
Frank M. Stewart, Secretary .....	State Adm. Bldg.
<i>Geological Survey of Alabama</i>	
Philip E. LaMoreaux, State Geologist .....	University
<i>Health, Department of Public</i>	
Dr. Ira L. Meyers, State Health Officer .....	State Office Bldg.
<i>Highway Department, State</i>	
Ray Bass, Director .....	Highway Bldg.
<i>Highway Patrol (See Public Safety)</i>	
<i>Highway Traffic Safety</i>	
Robert T. Simpson, Coordinator	
<i>Historical Commission, Alabama</i>	
W. Warner Floyd, Executive Director	
<i>Industrial Relations, Department of</i>	
Tom Ventress, Director .....	State Office Bldg.
<i>Insurance, State Department of</i>	
John G. Bookout, Commissioner .....	State Adm. Bldg.
<i>Labor, Department of</i>	
Howard E. Hendrix, Director .....	Montgomery
<i>Legislative Commission to Preserve the Peace, Alabama</i>	
Edwin Strickland, Staff Director .....	Montgomery
<i>Legislative Reference Service</i>	
Louis G. Greene, Director .....	State Capitol
<i>Licensing Board For the Healing Arts, State</i>	
Paul Ashurst, Executive Officer .....	State Capitol

# **OFFICIALS OF THE STATE OF ALABAMA—Continued**

## *Liquefied Petroleum Gas Board, Alabama*

Bill Cassity, Administrator ..... State Office Bldg.

## *Medical Examiners, State Board of*

Dr. Ira L. Myers, Acting Secretary ..... State Office Bldg.

## *Medical Technicians Examiners, Board of*

Mrs. Ruby J. Atkins, State Health Dept. .... State Office Bldg.

## *Mental Health, State Dept. of*

Charles L. Aderholt, Commissioner ..... State Office Bldg.

## *Military Department*

Maj. Gen. Chas. A. Rollo,

Adjutant General ..... State Adm. Bldg.

## *Milk Control Board, Alabama State*

## *Nursing, Board of*

Miss Betty Tomlin, Executive Officer ..... State Adm. Bldg.

## *Optometry, State Board of*

Dr. Willard Smith ..... Eufaula

## *Oil and Gas Board, State*

Philip E. LaMoreaux, Supervisor ..... University

## *Pardons and Paroles, State Board of*

Ealon M. Lambert, Chairman ..... State Adm. Bldg.

## *Pensions and Security, State Department of*

Ruben K. King, Commissioner ..... State Adm. Bldg.

## *Personnel Department*

J. S. Frazer, Director ..... State Adm. Bldg.

## *Pharmacy, Alabama Board of*

E. B. Turner, Secretary ..... Cullman

## *Physical Fitness, Commission on*

Bill Walker, Executive Director ..... Montgomery

## *Physical Therapy, State Board*

Miss Sue Loftis, Secretary ..... Montgomery

## *Pilotage Commission, State*

C. E. Vacalis, Chairman ..... Mobile

## *Psychology, State Board of Examiners*

Dr. William H. Simpson, Chairman ..... Mobile

## *Public Accountancy, State Board*

Joseph G. Robertson, Executive Secretary ..... Montgomery

# **OFFICIALS OF THE STATE OF ALABAMA—Continued**

## *Public Library Service, Alabama*

Mrs. Elizabeth Beamguard, Director ..... State Adm. Bldg.

## *Public Safety, Department of*

E. C. Dothard, Director ..... Montgomery

## *Public Service Commission, Alabama*

Kenneth Hammond, President ..... State Office Bldg.

## *Publicity and Information, State Bureau of*

Doug Benton, Director ..... State Capitol

## *Purchasing Agent, State*

Howard L. White, Jr. .... State Capitol

## *Real Estate Commission*

Mrs. Mary Goodwin, Executive Secretary ..... Montgomery

## *Revenue, Department of*

Charles A. Boswell, Commissioner ..... State Adm. Bldg.

## *River Development Authority, Alabama*

R. C. "Red" Bamberg, Administrator ..... Montgomery

## *Securities Commission, State*

Carl Wilson, Director ..... State Adm. Bldg.

## *Selective Service*

Felix R. Petrey, Director ..... State Capitol

## *Social Security, State Agency*

Miss Edna M. Reeves, Director ..... State Capitol

## *Soil and Water Conservation Committee, State*

Wilbur B. Nolen, Jr.,  
Executive Secretary ..... State Office Bldg.

## *Sovereignty Commission, State*

Jack Winfield, Executive Secretary ..... Montgomery

## *Teachers' Retirement System, State*

E. L. Bottoms, Secretary-Treasurer ..... Montgomery

## *Television Commission, Alabama Educational*

Raymond D. Hurlbert, Manager ..... Birmingham

## *Toxicologist, State*

C. J. Rehling ..... Auburn

## *Trooper, State (See Public Safety)*

## *Unemployment Compensation Division*

See Department of Industrial Relations



## OFFICIALS OF THE STATE OF ALABAMA—Continued

<i>Veterans Affairs, State Department of</i>	
W. C. Head, Jr., Director .....	State Office Bldg.
<i>Veterinary Medical Examining Board, Alabama</i>	
Dr. Ray Ashwander, Secretary-Treasurer .....	Decatur
<i>Water Improvement Commission</i>	
Dr. Ira L. Myers, Chairman .....	State Office Bldg.
<i>White House Association, The</i>	
Mrs. Ruth Rowell, Regent .....	Montgomery

## JUDICIAL

<i>Supreme Court</i>	
Howell T. Heflin, Chief Justice .....	Judicial Bldg.
<i>Court of Criminal Appeals</i>	
Aubrey M. Cates, Presiding Judge .....	Judicial Bldg.
<i>Court of Civil Appeals</i>	
Charles L. Wright, Presiding Judge .....	Judicial Bldg.

## STATE UNIVERSITIES

<i>Auburn University</i>	
Harry M. Philpott, President .....	Auburn
<i>Auburn University at Montgomery</i>	
H. Hanly Funderburk, Jr. Vice President .....	Montgomery
<i>Florence State University</i>	
Robert M. Guillot, President .....	Florence
<i>Jacksonville State University</i>	
Ernest Stone, President .....	Jacksonville
<i>Livingston State University</i>	
Ralph M. Lyon, Acting President .....	Livingston
<i>Troy State University</i>	
Ralph W. Adams, President .....	Troy
<i>Troy State University at Ft. Rucker</i>	
Robert M. Paul, Vice President .....	Ft. Rucker
<i>Troy State University at Montgomery</i>	
James E. Bailey, Jr., Vice President .....	Maxwell AFB

# OFFICIALS OF THE STATE OF ALABAMA—Continued

<i>University of Alabama</i>	
F. D. Mathews, President .....	University
<i>University of Alabama in Birmingham</i>	
Joseph F. Volker, President .....	Birmingham
<i>University of Alabama in Huntsville</i>	
Benjamin B. Graves, President .....	Huntsville
<i>University of Montevallo</i>	
Kermit A. Johnson, President .....	Montevallo
<i>University of South Alabama</i>	
Fred P. Whiddon, President .....	Mobile

## INSTITUTIONS UNDER CONTROL OF STATE BOARD OF EDUCATION

<i>Alabama Agricultural and Mechanical University</i>	
R. D. Morrison, President .....	Normal
<i>Alabama State University, Montgomery</i>	
Levi Watkins, President .....	Montgomery

## ALABAMA STATE JUNIOR COLLEGES

<i>Alexander City State Junior College</i>	
Byron Causey, President .....	Alexander City
<i>S. D. Bishop State Junior College</i>	
S. D. Bishop, President .....	Mobile
<i>Brewer State Junior College</i>	
Charles W. Davis, President .....	Fayette
<i>John C. Calhoun State Tech. Jr. College</i>	
Carlton W. Kelley, President .....	Decatur
<i>Jefferson Davis State Junior College</i>	
Woodfin Patterson, President .....	Brewton
<i>Enterprise State Junior College</i>	
B. A. Forrester, President .....	Enterprise
<i>James H. Faulkner State Junior College</i>	
Lathem N. Sibert, President .....	Bay Minette
<i>Gadsden State Junior College</i>	
A. D. Naylor, President .....	Gadsden

## ALABAMA STATE JUNIOR COLLEGES—Continued

<i>Patrick Henry State Junior College</i>	
B. E. Lee, President .....	Monroeville
<i>Jefferson State Junior College</i>	
George L. Layton, President .....	Birmingham
<i>Theodore Alfred Lawson State Junior College</i>	
Leon Kennedy, President .....	Birmingham
<i>Northeast Alabama State Junior College</i>	
E. R. Knox, President .....	Rainsville
<i>Northwest Alabama State Junior College</i>	
James A. Glasgow, President .....	Phil Campbell
<i>Snead State Junior College</i>	
Virgil McCain, President .....	Boaz
<i>Southern Union State Junior College</i>	
Ray Jones, President .....	Wadley
<i>George C. Wallace State Tech. Jr. College</i>	
Phillip J. Hamm, President .....	Dothan
<i>George C. Wallace State Tech. Jr. College</i>	
Charles L. Byrd, President .....	Selma
<i>Lurleen B. Wallace State Junior College</i>	
William H. McWhorter, President .....	Andalusia

## STATE TECHNICAL SCHOOLS

<i>Alabama Institute of Aviation Technology</i>	
Troy C. Tullis, Director .....	Ozark
<i>Alabama School of Trades</i>	
Robert W. Howard, Director .....	Gadsden
<i>Harry M. Ayers State Trade School</i>	
Pierce C. Cain, Director .....	Anniston
<i>Bessemer State Tech. Inst.</i>	
Euil S. Snider, Director .....	Bessemer
<i>John C. Calhoun State Tech. School</i>	
Carlton W. Kelley, Director .....	Decatur
<i>Carver State Technical Trade School</i>	
A. L. Green, Director .....	Mobile
<i>J. F. Drake State Tech. School</i>	
S. C. O'Neal, Director .....	Huntsville

## ALABAMA STATE TECHNICAL SCHOOLS—Continued

<i>Gadsden State Technical Institute</i>	
Eugene N. Prater, Director .....	Gadsden
<i>Richmond P. Hobson, State Tech. Inst.</i>	
John C. Mosley, Director .....	Thomasville
<i>J. F. Ingram State Voc. School</i>	
M. T. Duncan, Director .....	Deatsville
(For Prison Inmates Only)	
<i>Douglas MacArthur State Tech. Inst.</i>	
E. C. Nevin, Director .....	Opp
<i>Muscle Shoals Tech. Inst.</i>	
Richard T. Turner, Director .....	Muscle Shoals
<i>Northwest Alabama State Tech. Inst.</i>	
Solon Gregg, Director .....	Hamilton
<i>N. F. Nunnellely State Voc. Tech. Inst.</i>	
Michael J. Arban, Jr., Director .....	Childersburg
<i>Opelika State Voc. Tech. Inst.</i>	
Dorsey L. Haynes, Director .....	Opelika
<i>John M. Patterson State Voc. Tech. School</i>	
J. O. McCollough, Director .....	Montgomery
<i>Ed. E. Reid State Voc. Tech. School</i>	
Wiley Salter, Director .....	Evergreen
<i>Shelton State Technical Inst.</i>	
Harold I. James, Director .....	Tuscaloosa
<i>Southwest State Tech. Inst.</i>	
Clay Knight, Director .....	Mobile
<i>Chauncey Sparks State Trade School</i>	
Myron Motier Cope, Director .....	Eufaula
<i>Councill Trenholm State Trade School</i>	
Marion D. Smiley, Director .....	Montgomery
<i>Tuscaloosa State Trade School</i>	
C. A. Fredd, Sr., Director .....	Tuscaloosa
<i>Walker County State Trade School</i>	
Harold Wade, Director .....	Sumiton
<i>George C. Wallace State Tech. Inst.</i>	
Charles L. Byrd, Director .....	Selma
<i>George C. Wallace State Tech. Trade School</i>	
Phillip J. Hamm, Director .....	Dothan

**ALABAMA STATE TECHNICAL SCHOOLS—Continued**

<i>George C. Wallace State Trade School of Cullman County</i>	
James C. Bailey, Director .....	Hanceville
<i>Wenonah State Technical School</i>	
Leon Kennedy, Director .....	Birmingham

**STATE SPECIAL SCHOOLS**

<i>Alabama Institute For Deaf and Blind</i>	
W. W. Elliott, President .....	Talladega
<i>Partlow State School and Hospital</i>	
John V. Hottel, Supt. ....	Tuscaloosa

**STATE CORRECTIVE SCHOOLS**

<i>Alabama Boys' Industrial School</i>	
John Carr, Superintendent .....	Birmingham
<i>State Training School for Girls</i>	
Mrs. Dorothy Weiss, Superintendent .....	Birmingham
<i>Alabama Industrial School</i>	
Ed. S. Grant, Director .....	Mt. Meigs

# ROSTER OF THE SENATE OF ALABAMA

Jere Beasley, <i>Lieutenant Governor</i> .....	Clayton
Pierre Pelham, <i>President Pro-Tem</i> .....	Mobile
McDowell Lee, <i>Secretary</i> .....	Montgomery
Mrs. F. B. Ruffer, <i>Assistant Secretary</i> .....	Montgomery
1st District—Lauderdale and Colbert	
Stewart O'Bannon, Jr. .... P. O. Box 147, Florence	35630
2nd District—Limestone and Morgan	
Bob Harris ..... P. O. Box 1727, Decatur	35601
3rd District—Madison	
Gene McLain ..... P. O. Box 2008, Huntsville	35804
4th District—Jackson, DeKalb and Cherokee	
5th District—Franklin, Marion, Lawrence and Winston	
Joe Fine ..... P. O. Box 818, Russellville	35653
6th District—Cullman and Walker	
Robert T. (Bob) Wilson ..... P. O. Box 1090, Jasper	35501
7th District—Marshall, Blount and St. Clair	
Aubrey J. Carr ..... 10 Windsor Dr., Guntersville	35976
8th District—Etowah	
Richard Malone ..... 416 Noccaculla Dr., Gadsden	35901
9th District—Calhoun	
Fred Ray Lybrand ..... 111 Quintard Ave.,	Anniston 36201
10th District—Lamar, Fayette, Pickens, Greene and Hale	
James A. Branyon, II ..... P. O. Box 600, Fayette	35555
11th District—Tuscaloosa	
Richard C. Shelby ..... 406 First Federal Savings Bldg.,	Tuscaloosa 35401
12th District—Jefferson	
Place No. 1	
Paschal P. "Pat" Vacca ..... 929-30 Frank Nelson Bldg.,	Birmingham 35203
Place No. 2	
Tom King ..... Educators Investment Bldg.,	9433 Parkway East,
	Birmingham 35215

**ROSTER OF THE SENATE OF ALABAMA—Continued****Place No. 3**

John H. Hawkins, Jr. .... 1841 Montclair Dr.,  
Birmingham 35216

**Place No. 4**

Richard Dominick ..... 927 Brown Barx Bldg.,  
Birmingham 35203

**Place No. 5**

Geo. Lewis Bailes, Jr. .... 621 Massey Bldg.,  
Birmingham 35203

**Place No. 6**

Eddie Hubert Gilmore ..... P. O. Box 546, Bessemer 35020

**Place No. 7**

Doug Cook ..... P. O. Box 11086, Birmingham 35202

**13th District—Talladega, Clay and Cleburne**

Robert (Bobby) Weaver ..... P. O. Box 735,  
Talladega 35160

**14th District—Bibb, Perry and Dallas**

Walter C. Givhan ..... Safford 36773

**15th District—Shleby, Coosa, Chilton and Autauga**

Obie J. Littleton ..... P. O. Box 1288, Clanton 35045

**16th District—Tallapoosa, Elmore and Macon**

Robert H. Wilder ..... P. O. Box 38, Dadeville 36853

**17th District—Randolph, Chambers and Lee**

Don Horne ..... 1110 South 5th St., Lanett 36863

**18th District—Sumter, Marengo, Choctaw and Washington**

W. H. (Pat) Lindsey, III ..... 126 S. Mulberry Ave.,  
Butler 36904

**19th District—Wilcox, Clarke, Monroe and Conecuh****20th District—Lowndes, Butler, Crenshaw and Covington**

E. C. (Crum) Foshee ..... P. O. Box J, Red Level 36474

**21st District—Montgomery****Place No. 1**

J. J. (Junie) Pierce ..... P. O. Box 485, Montgomery 36104

**Place No. 2**

W. Tom Jones ..... 2193 Woodley Rd., Montgomery 36111

**22nd District—Bullock, Pike, Coffee and Geneva**

L. L. Dozier ..... P. O. Box 354, Troy 36081

**ROSTER OF THE SENATE OF ALABAMA—Continued**

- 23rd District—Russell, Barbour and Henry  
 James S. (Jimmy) Clark ..... P. O. Box 71, Eufaula 36027
- 24th District—Mobile  
 Place No. 1  
 L. W. "Red" Noonan ..... 161 McGregor Ave., Mobile 36608  
 Place No. 2  
 Pierre Pelham ..... 919 Dauphin St., Mobile 36604  
 Place No. 3  
 Robert S. Edington ..... 50 St. Emanuel St., Mobile 36602
- 25th District—Baldwin and Escambia  
 L. D. (Dick) Owen, Jr. .... P. O. Box 45  
 Bay Minette 36507
- 26th District—Houston and Dale  
 Larry Register ..... P. O. Box 1845, Dothan 36301

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
 OF ALABAMA**

**Regular Session, 1973****OFFICERS**

- G. Sage Lyons, *Speaker* ..... Mobile  
 Joe C. McCorquodale, Jr., *Speaker Pro-Tem* ..... Birmingham  
 John W. Pemberton, *Clerk* ..... Montgomery  
 Thomas J. Bryan, *Assistant Clerk* ..... Auburn  
 James W. Cameron, *Reading Clerk* ..... Montgomery

**MEMBERS OF THE HOUSE****1 Lauderdale**

- Place No. 1  
 Ronnie G. Flippo ..... P. O. Box 1221, Florence 35630  
 Place No. 2  
 Robert M. (Bob) Hill, Jr. .... P. O. Box 687,  
 Florence 35630



# **ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued**

## **2 Limestone & Lawrence**

Place No. 1

Tommy Carter ..... Rt. 2, Elkmont 35620

Place No. 2

Wayland Cross ..... Box 40, Courtland 35618

## **3 Madison**

Place No. 1

Hartwell B. Lutz ..... 972 State Nat'l. Bk. Bldg.,  
Huntsville 35801

Place No. 2

Charles Grainger ..... 1711 Laverne Dr., N. W.,  
Huntsville 35805

Place No. 3

Bill G. King ..... P. O. Box 382, Huntsville 35804

Place No. 4

Glenn H. Hearn ..... Rt. 1, Gurley 35748

Place No. 5

Douglas V. Hale ..... 2105 Clubview Court N. W.,  
Huntsville 35810

## **4 Jackson**

Bill Williams ..... Rt. 1, Box 63, Hollywood 35752

## **5 Colbert & Franklin**

Place No. 1

J. W. (Joe) Goodwin ..... 310 Ford Rd., Muscle Shoals  
35660

Place No. 2

Glen A. Reynolds ..... Rt. 3, Tuscumbia 35674

## **6 Morgan**

Place No. 1

David B. Cauthen ..... P. O. Box 1685, Decatur 35601

Place No. 2

Ralph E. Slate ..... 1310 Plaza St., Decatur 35601

# **ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued**

## **7 Marshall & Cullman**

Place No. 1

Finis E. St. John, III ..... P. O. Drawer K, Cullman 35055

Place No. 2

Sid McDonald ..... P. O. Box 546, Arab, 35016

Place No. 3

Tom Drake ..... P. O. Box 36, Cullman 35055

## **8 DeKalb & Cherokee**

Place No. 1

John M. Baker ..... P. O. Box 186, Rainsville 35986

Place No. 2

Clarence Chesnut, Jr. .... P. O. Box 98, Gaylesville 35973

## **9 Marion & Winston**

Rankin Fite ..... P. O. Box 157, Hamilton 35570

## **10 Blount**

Ralph Reid ..... 1301 Park Ave., Oneonta 35121

## **11 Etowah**

Place No. 1

Gerald Wayne Waldrop ..... 1995 Scenic Drive,  
Gadsden 35901

Place No. 2

D. B. "Dave" Carnes ..... 823 Forest Ave., Gadsden 35901

Place No. 3

Retha Deal Wynot ..... 1120 Bellevue Dr., Gadsden 35901

## **12 Lamar & Fayette**

D. C. Grey ..... P. O. Box 202, Berry 35546

## **13 Walker**

Place No. 1

Alvis Naramore ..... 5th Ave. & 19th St., Jasper 35501

Place No. 2

Robert T. Crowe ..... 2109 Gamble Ave., Jasper 35501

# **ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued**

## **14 Jefferson**

Place No. 1

J. Paul Meeks, Jr. .... 3043 Weatherton Dr.,  
Birmingham 35223

Place No. 2

James T. Waggoner, Jr. .... P. O. Box 10566  
Birmingham 35202

Place No. 3

Robert L. "Bob" Ellis, Jr. .... Rt. 1, Box 509,  
Adamsville 35005

Place No. 4

Ben L. Erdreich .... Suite 201, 411 North 21st St.,  
Birmingham 35203

Place No. 5

Richard F. Dill .... 328 Observatory Dr.,  
Birmingham 35206

Place No. 6

Robert D. "Bobby" Timmons .... P. O. Box 8302,  
Ensley Station, Birmingham 35218

Place No. 7

Robert G. Adwell .... 2109 Darlington St.,  
Birmingham 35226

Place No. 8

Raymond Weeks .... 3420 Altamont Rd.,  
Birmingham 35205

Place No. 9

Chriss H. Doss .... 917 Frank Nelson Bldg.,  
Birmingham 35203

Place No. 10

Robert C. (Bob) Gafford .... 5345 Division Ave.,  
Birmingham 35201

Place No. 11

Wade Wallace .... 516 So. 73rd St.,  
Birmingham 35212

Place No. 12

Drake Boutwell .... 4461 Clairmont Ave.,  
Birmingham 35222

Place No. 13

Francis Falkenburg .... 2309 20th Ave., South,  
Birmingham 35223

# **ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued**

Place No. 14

Place No. 15

Quinton R. Bowers ..... 1300 Chester St., Birmingham 35226

Place No. 16

Richard L. McBride ..... 3221 Ave., S, Apt. S  
Birmingham 35208

Place No. 17

J. Earl Jones ..... 2022 Dartmouth Ave.,  
Bessemer 35020

Place No. 18

Place No. 19

Place No. 20

Hugh Boles ..... 2601 Carson Rd., Jeff State Jr.  
College, Birmingham 35215

15 St. Clair

Roy H. (Doc) Coshatt ..... P. O. Box 766, Pell City 35125

16 Calhoun

Place No. 1

Ray Burgess ..... 501 E. 49th St., Anniston 36201

Place No. 2

Hugh D. Merrill ..... P. O. Box 1498, Anniston 36201

Place No. 3

Donald W. Stewart ..... 124 East 10th St., Anniston 36201

17 Pickens & Greene

William H. Lang ..... P. O. Box 426, Reform 35481

18 Tuscaloosa

Place No. 1

John L. Culver ..... Route 3, Box 166, Tuscaloosa 35401

Place No. 2

Edward D. Robertson ..... P. O. Box 331, Northport 35476

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA—Continued**

Place No. 3

Tim Parker ..... P. O. Box 72, Tuscaloosa 35401

Place No. 4

Bert Bank ..... P. O. Box 2000, Tuscaloosa 35401

**19 Shelby**

Tom Stubbs ..... Rt. 1, Box 14, Helena 35080

**20 Talladega**

Place No. 1

Murray P. McCluskey ..... Box 599, Sylacauga 35150

Place No. 2

Philip H. (Phil) Smith ..... P. O. Box 15, Talladega 35160

**21 Clay & Coosa**

Charles (Pete) Mathews ..... Box 355, Ashland 36251

**22 Cleburne & Randolph**

John S. Casey ..... P. O. Box 266, Heflin 36264

**23 Hale & Bibb**

Walter Owens ..... 107 Court Square, West,  
Centreville 35042

**24 Chilton**

Lewis W. Headley ..... P. O. Box 471, Clanton 35045

**25 Tallapoosa**

Kirby Smith ..... Rt. 1, Box 572, Dadeville 36853

**26 Chambers**

Charles Snell ..... P. O. Box 387, Fairfax 36854

**27 Sumter, Marengo & Perry**

Place No. 1

Ira D. Pruitt ..... P. O. Drawer PP, Livingston 35470

Place No. 2

Richard S. Manley ..... Drawer U, Demopolis 36732

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA—Continued**

**28 Dallas**

Place No. 1

Paul C. Cottingham ..... Rt. 2, Box 276A, Selma 36701

Place No. 2

W. Milam Turner, Jr. .... 7 Mimosa St., Selma 36701

**29 Autauga & Lowndes**

William D. Edwards ..... Rt. 1, Ft. Deposit 36032

**30 Elmore**

H. H. (Runt) O'Daniel ..... Box 416, Tallassee 36078

**31 Macon, Bullock & Barbour**

Place No. 1

Thomas J. Reed ..... P. O. Drawer EE,  
Tuskegee Institute 36088

Place No. 2

Fred D. Gray ..... P. O. Box 239, Tuskegee 36083

**32 Lee & Russell**

Place No. 1

Bowen Brassell ..... P. O. Box 573, Phenix City 36867

Place No. 2

Pete Turnham ..... P. O. Box 1592, Auburn 36830

Place No. 3

Charles H. Adams ..... P. O. Box 967, Phenix City 36867

**33 Choctaw, Clarke & Washington**

Place No. 1

Grover Lamar Agee ..... P. O. Box 250, Chatom 36518

Place No. 2

Joe C. McCorquodale, Jr. .... P. O. Box 535, Jackson 36545

**34 Wilcox, Monroe & Conecuh**

Place No. 1

Maston Mims ..... Uriah 36480

Place No. 2

James E. Warren ..... Box 207, Castleberry 36432

# **ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued**

## **35 Montgomery**

### **Place No. 1**

Sam W. Taylor ..... 2429 Woodley Rd., Montgomery 36111

### **Place No. 2**

James D. Harris, Jr. .... 1110 Union Bank Bldg.,  
Montgomery 36104

### **Place No. 3**

Walker Hobbs, Jr. .... Rt. 1, Box 384, Montgomery 36105

### **Place No. 4**

Fred R. Jones ..... 132 So. Perry St., Montgomery 36104

### **Place No. 5**

Bishop Barron ..... 956 Green Forest Drive,  
Montgomery 36109

## **36 Butler, Crenshaw & Pike**

### **Place No. 1**

L. Gardner Basset ..... 206 Orange St., Troy 36081

### **Place No. 2**

William E. (Gene) Hardin, Jr. .... P. O. Box 507,  
Greenville 36037

## **37 Mobile**

### **Place No. 1**

James C. (Jim) Wood ..... 1010 Van Antwerp Bldg.,  
Mobile 36602

### **Place No. 2**

Ben Sotkes ..... P. O. Box 293, Mobile 36601

### **Place No. 3**

Mayer W. (Mike) Perloff ..... 257 St. Anthony St.,  
Mobile 36603

### **Place No. 4**

Charles C. Therrell ..... 203 No. Gould Ave.,  
Whistler 36612

### **Place No. 5**

H. L. Callahan ..... P. O. Box 1208, Mobile 36601

### **Place No. 6**

G. Sage Lyons ..... P. O. Box 2727, Mobile 36601

### **Place No. 7**

Bert Nettles ..... P. O. Box 2232, Mobile 36601

# **ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued**

Place No. 8  
Maurice A. "Casey" Downing ..... 507 Monroe St.,  
Mobile 36602

Place No. 9  
W. M. (Monty) Collins ..... P. O. Box 1411, Mobile 36601

Place No. 10  
Bill Roberts ..... 148 Tuscaloosa St., Mobile 36607

## **38 Baldwin**

Place No. 1  
Daniel L. Kinsey ..... P. O. Box 877, Foley 36535

Place No. 2  
Thomas H. Benton ..... Rt. 2, Box 185, Foley 36535

## **39 Escambia**

Philip T. May ..... P. O. Box 326, Brewton 36426

## **40 Covington & Geneva**

Place No. 1  
Frank Jackson ..... Box 408, Opp 36467

Place No. 2  
Harold B. Wise ..... Rt. 2, Box 156, Kinston 36453

## **41 Coffee**

Douglas Easters ..... 573 East Davis St., Elba 36323

## **42 Dale**

Fred Barkett ..... Box 430, Ozark 36360

## **43 Houston & Henry**

Place No. 1  
Buddy Crawford ..... Columbia Road, Abbeville 36310

Place No. 2  
B. W. Connell ..... Rt. 5, Box 141, Dothan 36301



LEGAL & CONTRACT INTEREST RATES, BY STATES,  
OCTOBER 1, 1969

	Legal Rates	Contract Rates
	1969	1969
Alabama.....	6%	8%
Alaska.....	6	10
Arizona.....	6	10(3)
Arkansas.....	6	10
California.....	7	10
Colorado.....	6	No limit
Connecticut.....	6	12
Delaware.....	6	8
Dist. of Col.....	6	8
Florida.....	6	10(1)
Georgia.....	7	8
Hawaii.....	6	12
Idaho.....	6	10
Illinois.....	5	8
Indiana.....	6	8
Iowa.....	5	9
Kansas.....	6	10
Kentucky.....	6	7
Louisiana.....	5	8
Maine.....	6	No limit
Maryland.....	6	8
Massachusetts.....	6	No limit
Michigan.....	5	7
Minnesota.....	6	8
Mississippi.....	6	8(5)
Missouri.....	6	8
Montana.....	6	10
Nebraska.....	6	9
Nevada.....	7	12
New Hampshire.....	6	No limit
New Jersey.....	7½	7½
New Mexico.....	6	10(2)
New York.....	7½	6
North Carolina.....	6	8
North Dakota.....	4	8
Ohio.....	6	8
Oklahoma.....	6	10
Oregon.....	6	10(3)
Pennsylvania.....	6	6
Puerto Rico.....	6	10
Rhode Island.....	6	21
South Carolina.....	6	8
South Dakota.....	6	8
Tennessee.....	6	10
Texas.....	6	10
Utah.....	6%	10%
Vermont.....	7½	7½
Virginia.....	6	8

**LEGAL & CONTRACT INTEREST RATES, BY STATES,  
OCTOBER 1, 1969—Continued**

	Legal Rates 1969	Contract Rates 1969
Washington.....	6	12
West Virginia.....	6	8
Wisconsin.....	5	12
Wyoming.....	7	10

- (1) 15% for corporations
- (2) 12% if loans unsecured
- (3) 15% for corporations
- (4) 15% for Corporations, where excess of \$2,500

This table summarizes only the broad, general provisions of state laws setting maximum legal and contract rates of interest, and it does not summarize rates fixed for special types of loans, such as instalment loans and loans under the small loan laws.

The parties to a transaction may agree on a specific rate of interest. The maximum rates that may be agreed upon is usually fixed by law. This is the "contract rate."

If a specific rate is not agreed upon, then the maximum rate that may be taken is the "legal rate," fixed by law in all states.

Interest in excess of the rate permitted by law is usurious. All states provide penalties for taking such interest

Many state statutes provide that the defense of usury is not available to a corporation.

For a more detailed explanation of legal and contract rates of interest and of state and federal usury laws, see **Paton's Digest of Legal Opinions**, Interest and Usury, particularly sections 2:1, 2:2, 21 and 22.

Source: Data prepared by Legal Department, American Bankers Association.

Annuity Table showing the current present cash value of an annuity of one hundred dollars per month, month by month from two to four hundred eighty months at 2%, 2½%, 3%, 3½%, 4%, 4½%, 5%, 5½%, and 6%. As provided in Act No. 456, Approved August 31, 1953.

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
1	99.83	99.79	99.75	99.70	99.66	99.62	99.58	99.54	99.50
2	199.50	199.37	199.25	199.12	199.00	198.88	198.75	198.63	198.50
3	298.00	298.75	298.50	298.25	298.01	297.76	297.51	297.27	297.02
4	398.33	397.92	397.51	397.10	396.68	396.27	395.86	395.45	395.04
5	497.50	496.27	495.65	495.03	494.42	493.81	493.19	492.58	491.97
6	596.15	595.64	594.78	593.92	593.06	592.20	591.34	590.49	589.63
7	695.35	694.20	693.05	691.90	690.75	689.61	688.47	687.34	686.20
8	794.03	792.55	791.07	789.60	788.13	786.66	785.20	783.74	782.29
9	892.54	890.69	888.85	887.01	885.18	883.35	881.53	879.71	877.90
10	990.89	988.63	986.38	984.14	981.90	979.68	977.46	975.24	973.04
11	1,089.07	1,086.37	1,083.67	1,080.99	1,078.31	1,075.64	1,072.98	1,070.34	1,067.70
12	1,187.10	1,183.90	1,180.72	1,177.55	1,174.39	1,171.25	1,168.12	1,165.00	1,161.89
13	1,284.95	1,281.23	1,277.53	1,273.84	1,270.16	1,266.50	1,262.86	1,259.23	1,255.61
14	1,382.65	1,378.36	1,374.09	1,369.84	1,365.61	1,361.40	1,357.20	1,353.02	1,348.87
15	1,480.18	1,475.29	1,470.42	1,465.57	1,460.74	1,455.94	1,451.15	1,446.39	1,441.66
16	1,577.55	1,572.01	1,566.50	1,561.01	1,555.55	1,550.12	1,544.72	1,539.34	1,533.99
17	1,674.76	1,668.54	1,662.34	1,656.18	1,650.05	1,643.96	1,637.89	1,631.86	1,625.86
18	1,771.18	1,764.86	1,757.95	1,751.08	1,744.24	1,737.44	1,730.68	1,723.96	1,717.27
19	1,868.69	1,860.98	1,853.32	1,845.69	1,838.11	1,830.58	1,823.09	1,815.64	1,808.23
20	1,965.42	1,956.91	1,948.44	1,940.03	1,931.67	1,923.36	1,915.11	1,906.90	1,898.74
21	2,061.98	2,052.63	2,043.34	2,034.10	2,024.92	2,015.81	2,006.74	1,997.74	1,988.79
22	2,158.38	2,148.15	2,137.99	2,127.89	2,117.86	2,107.90	2,098.00	2,088.17	2,078.40
23	2,254.63	2,243.48	2,232.41	2,221.42	2,210.50	2,199.65	2,188.88	2,178.19	2,167.56
24	2,350.71	2,338.61	2,326.59	2,314.66	2,302.82	2,291.06	2,279.38	2,267.79	2,256.28
25	2,446.63	2,433.54	2,420.54	2,407.64	2,394.84	2,382.13	2,369.51	2,356.99	2,344.56
26	2,542.39	2,528.27	2,514.26	2,500.35	2,486.55	2,472.85	2,459.26	2,445.78	2,432.40
27	2,638.00	2,622.81	2,607.74	2,592.79	2,577.96	2,563.24	2,548.65	2,534.16	2,519.80
28	2,733.44	2,717.15	2,700.98	2,684.96	2,669.06	2,653.29	2,637.66	2,622.15	2,606.76
29	2,828.73	2,811.29	2,794.00	2,776.86	2,759.86	2,743.01	2,726.30	2,709.73	2,693.30
30	2,923.85	2,905.24	2,886.78	2,868.49	2,850.36	2,832.38	2,814.57	2,796.91	2,779.40

ANNUITY TABLE, Continued

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
31	3,018.82	2,998.99	2,979.33	2,959.86	2,940.56	2,921.43	2,902.47	2,883.69	2,865.08
32	3,113.63	3,092.55	3,071.65	3,050.96	3,030.45	3,010.14	2,990.02	2,970.08	2,950.32
33	3,208.29	3,185.91	3,163.75	3,141.79	3,120.05	3,098.52	3,077.19	3,056.07	3,035.15
34	3,302.78	3,279.08	3,255.61	3,232.37	3,209.36	3,186.57	3,164.01	3,141.67	3,119.55
35	3,397.12	3,372.05	3,347.24	3,322.68	3,298.36	3,274.29	3,250.47	3,226.88	3,203.53
36	3,491.30	3,464.83	3,438.64	3,412.72	3,387.07	3,361.69	3,336.57	3,311.70	3,287.10
37	3,585.33	3,557.42	3,529.82	3,502.51	3,475.49	3,448.75	3,422.31	3,396.14	3,370.25
38	3,679.19	3,649.88	3,620.77	3,592.03	3,563.61	3,535.50	3,507.69	3,480.19	3,452.98
39	3,772.91	3,742.02	3,711.49	3,681.29	3,651.44	3,621.91	3,592.72	3,563.85	3,535.30
40	3,866.46	3,834.03	3,801.98	3,770.30	3,738.97	3,708.01	3,677.40	3,647.14	3,617.22
41	3,959.86	3,925.86	3,892.25	3,859.04	3,826.22	3,793.78	3,761.72	3,730.04	3,698.72
42	4,053.11	4,017.49	3,982.29	3,947.53	3,913.18	3,879.24	3,845.70	3,812.57	3,779.83
43	4,146.20	4,108.93	4,072.11	4,035.76	3,999.84	3,964.37	3,929.33	3,894.71	3,860.52
44	4,239.13	4,200.18	4,161.71	4,123.73	4,086.22	4,049.18	4,012.61	3,976.49	3,940.82
45	4,331.91	4,291.24	4,251.08	4,211.44	4,172.31	4,133.68	4,095.54	4,057.89	4,020.71
46	4,424.54	4,382.11	4,340.23	4,298.91	4,258.12	4,217.87	4,178.14	4,138.92	4,100.21
47	4,517.01	4,472.79	4,429.16	4,386.11	4,343.64	4,301.73	4,260.38	4,219.58	4,179.32
48	4,609.33	4,563.28	4,517.86	4,473.07	4,428.88	4,385.29	4,342.29	4,299.87	4,258.03
49	4,701.49	4,653.59	4,606.35	4,559.77	4,513.83	4,468.53	4,423.86	4,379.80	4,336.35
50	4,793.50	4,743.70	4,694.61	4,646.22	4,598.50	4,551.46	4,505.09	4,459.36	4,414.27
51	4,885.36	4,833.63	4,782.66	4,732.41	4,682.89	4,634.09	4,585.98	4,538.56	4,491.81
52	4,977.06	4,923.38	4,870.48	4,818.36	4,767.00	4,716.40	4,666.53	4,617.40	4,568.97
53	5,068.62	5,012.93	4,958.08	4,904.06	4,850.83	4,798.41	4,746.76	4,695.87	4,645.74
54	5,160.02	5,102.30	5,045.47	4,989.50	4,934.39	4,880.11	4,826.65	4,773.99	4,722.13
55	5,251.26	5,191.49	5,132.64	5,074.70	5,017.66	4,961.50	4,906.20	4,851.75	4,798.14
56	5,342.36	5,280.49	5,219.59	5,159.65	5,100.66	5,042.59	4,985.43	4,929.16	4,873.77
57	5,433.30	5,369.30	5,306.32	5,244.36	5,183.38	5,123.38	5,064.33	5,006.22	4,949.03
58	5,524.10	5,457.93	5,392.84	5,328.81	5,265.83	5,203.86	5,142.90	5,082.92	5,023.91
59	5,614.74	5,546.37	5,479.14	5,413.03	5,348.00	5,284.05	5,221.15	5,159.27	5,098.41
60	5,705.23	5,634.64	5,565.23	5,496.99	5,429.90	5,363.93	5,299.07	5,235.28	5,172.55
61	5,795.57	5,722.71	5,651.10	5,580.72	5,511.53	5,443.52	5,376.66	5,310.94	5,246.32
62	5,885.76	5,810.61	5,736.76	5,664.20	5,592.89	5,522.81	5,453.94	5,386.25	5,319.72
63	5,975.80	5,898.32	5,822.21	5,747.43	5,673.97	5,601.80	5,530.89	5,461.22	5,392.76
64	6,065.69	5,985.85	5,907.44	5,830.43	5,754.79	5,680.50	5,607.53	5,535.85	5,465.43
65	6,155.43	6,073.20	5,992.46	5,913.18	5,835.34	5,758.90	5,683.85	5,610.13	5,537.74

66	6,245.03	6,160.36	6,077.26	5,995.69	5,915.62	5,837.02	5,759.85	5,684.08	5,609.69
67	6,334.47	6,247.35	6,161.86	6,077.97	5,995.64	5,914.84	5,835.53	5,757.69	5,681.29
68	6,423.76	6,334.15	6,246.24	6,160.00	6,075.38	5,992.36	5,910.90	5,830.97	5,752.52
69	6,512.91	6,420.77	6,330.42	6,241.79	6,154.87	6,069.60	5,985.96	5,903.91	5,823.41
70	6,601.90	6,507.22	6,414.38	6,323.35	6,234.09	6,146.55	6,060.71	5,976.51	5,893.94
71	6,690.75	6,593.48	6,498.14	6,404.67	6,313.04	6,223.22	6,135.14	6,048.79	5,964.12
72	6,779.45	6,679.57	6,581.68	6,485.75	6,391.74	6,299.59	6,209.27	6,120.74	6,033.95
73	6,868.01	6,765.47	6,665.02	6,566.60	6,470.17	6,375.68	6,283.09	6,192.36	6,103.43
74	6,956.14	6,851.20	6,748.15	6,647.21	6,548.34	6,451.49	6,356.61	6,263.65	6,172.57
75	7,044.67	6,936.75	6,831.07	6,727.59	6,626.26	6,527.01	6,429.82	6,334.61	6,241.36
76	7,132.78	7,022.12	6,913.79	6,807.74	6,703.91	6,602.26	6,502.72	6,405.26	6,309.81
77	7,220.75	7,107.31	6,996.29	6,887.65	6,781.31	6,677.22	6,575.32	6,475.58	6,377.92
78	7,308.57	7,192.33	7,078.60	6,967.32	6,858.44	6,751.90	6,647.63	6,545.58	6,445.69
79	7,396.24	7,277.16	7,160.70	7,046.77	6,935.33	6,826.30	6,719.63	6,615.26	6,513.13
80	7,483.77	7,361.83	7,242.59	7,125.99	7,011.95	6,900.42	6,791.33	6,684.62	6,580.23
81	7,571.15	7,446.31	7,324.28	7,204.97	7,088.33	6,974.27	6,862.74	6,753.66	6,646.99
82	7,658.38	7,530.63	7,405.77	7,283.73	7,164.44	7,047.84	6,933.84	6,822.39	6,713.42
83	7,745.48	7,614.76	7,487.05	7,362.26	7,240.31	7,121.13	7,004.66	6,890.81	6,779.53
84	7,832.42	7,698.72	7,568.13	7,440.55	7,315.92	7,194.16	7,075.18	6,958.92	6,845.30
85	7,919.22	7,782.51	7,649.00	7,518.62	7,391.29	7,266.91	7,145.41	7,026.71	6,910.75
86	8,005.88	7,866.12	7,729.68	7,596.47	7,466.40	7,339.38	7,215.34	7,094.20	6,975.87
87	8,092.39	7,949.56	7,810.15	7,674.09	7,541.26	7,411.59	7,284.99	7,161.37	7,040.66
88	8,178.76	8,032.82	7,890.43	7,751.48	7,615.87	7,483.53	7,354.34	7,228.24	7,105.14
89	8,264.99	8,115.92	7,970.50	7,828.64	7,690.24	7,555.19	7,423.41	7,294.81	7,169.29
90	8,351.07	8,198.84	8,050.38	7,905.59	7,764.36	7,626.59	7,492.20	7,361.07	7,233.13
91	8,437.01	8,281.58	8,130.05	7,982.30	7,838.23	7,697.73	7,560.69	7,427.03	7,296.64
92	8,522.80	8,364.16	8,209.53	8,058.80	7,911.86	7,768.60	7,628.91	7,492.69	7,359.84
93	8,608.45	8,446.56	8,288.81	8,135.07	7,985.24	7,839.20	7,696.84	7,558.05	7,422.73
94	8,693.96	8,528.79	8,367.89	8,211.12	8,058.38	7,909.54	7,764.48	7,623.11	7,485.30
95	8,779.33	8,610.85	8,446.77	8,286.95	8,131.27	7,979.61	7,831.85	7,687.87	7,547.56
96	8,864.56	8,692.74	8,525.46	8,362.56	8,203.93	8,049.43	7,898.94	7,752.34	7,609.52
97	8,949.64	8,774.46	8,603.95	8,437.95	8,276.34	8,118.98	7,965.75	7,816.51	7,671.16
98	9,034.58	8,856.01	8,682.24	8,513.12	8,348.51	8,188.28	8,032.28	7,880.40	7,732.50

ANNUITY TABLE, Continued

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
99	9,119.38	8,937.39	8,760.34	8,588.07	8,420.44	8,257.31	8,098.54	7,943.99	7,793.53
100	9,204.04	9,018.60	8,838.24	8,662.81	8,492.14	8,326.09	8,164.52	8,007.29	7,854.26
101	9,288.56	9,099.65	8,915.95	8,737.32	8,563.59	8,394.61	8,230.23	8,070.30	7,914.69
102	9,372.94	9,180.52	8,993.47	8,811.62	8,634.81	8,462.87	8,295.66	8,133.02	7,974.81
103	9,457.18	9,261.23	9,070.79	8,885.70	8,705.79	8,530.88	8,360.82	8,195.46	8,034.64
104	9,541.28	9,341.76	9,147.92	8,959.57	8,776.53	8,598.64	8,425.72	8,257.61	8,094.17
105	9,625.24	9,422.13	9,224.86	9,033.23	8,847.04	8,666.14	8,490.34	8,319.48	8,153.40
106	9,709.05	9,502.34	9,301.61	9,106.66	8,917.32	8,733.39	8,554.69	8,381.07	8,212.34
107	9,792.73	9,582.37	9,378.16	9,179.89	8,987.36	8,800.39	8,618.78	8,442.37	8,270.98
108	9,876.27	9,662.24	9,454.53	9,252.90	9,057.17	8,867.14	8,682.61	8,503.40	8,329.34
109	9,959.67	9,741.95	9,530.70	9,325.70	9,126.75	8,933.63	8,746.16	8,564.15	8,387.40
110	10,042.94	9,821.49	9,606.68	9,398.29	9,196.10	8,999.88	8,809.46	8,624.62	8,445.17
111	10,126.06	9,900.86	9,682.48	9,470.67	9,265.21	9,065.89	8,872.49	8,684.81	8,502.66
112	10,209.04	9,980.07	9,758.08	9,542.83	9,334.10	9,131.64	8,935.26	8,744.73	8,559.86
113	10,291.89	10,059.11	9,833.50	9,614.79	9,402.75	9,197.15	8,997.77	8,804.38	8,616.78
114	10,374.60	10,137.99	9,908.72	9,686.54	9,471.18	9,262.42	9,060.02	8,863.75	8,673.41
115	10,457.17	10,216.71	9,983.77	9,758.08	9,539.39	9,327.44	9,122.01	8,922.86	8,729.76
116	10,539.60	10,295.26	10,058.62	9,829.41	9,607.36	9,392.22	9,183.74	8,981.69	8,785.83
117	10,621.90	10,373.65	10,133.29	9,900.53	9,675.11	9,456.76	9,245.22	9,040.26	8,841.62
118	10,704.06	10,451.87	10,207.77	9,971.45	9,742.64	9,521.06	9,306.44	9,098.55	8,897.14
119	10,786.08	10,529.93	10,282.06	10,042.16	9,809.94	9,585.11	9,367.41	9,156.59	8,952.38
120	10,867.97	10,607.83	10,356.17	10,112.66	9,877.01	9,648.93	9,428.13	9,214.35	9,007.34
121	10,949.72	10,685.57	10,430.10	10,182.96	9,943.87	9,712.51	9,488.59	9,271.86	9,062.03
122	11,031.34	10,763.15	10,503.84	10,253.06	10,010.50	9,775.85	9,548.81	9,329.10	9,116.45
123	11,112.81	10,840.57	10,577.39	10,322.95	10,076.91	9,838.95	9,608.77	9,386.08	9,170.59
124	11,194.16	10,917.82	10,650.77	10,392.64	10,143.10	9,901.82	9,668.49	9,442.80	9,224.47
125	11,275.37	10,994.91	10,723.96	10,462.12	10,209.07	9,964.45	9,727.95	9,499.26	9,278.08
126	11,356.44	11,071.85	10,796.96	10,531.41	10,274.82	10,026.85	9,787.17	9,555.47	9,331.42
127	11,437.38	11,148.62	10,869.79	10,600.40	10,340.35	10,089.02	9,846.15	9,611.41	9,384.50
128	11,518.18	11,225.24	10,942.43	10,669.37	10,405.66	10,150.95	9,904.88	9,667.11	9,437.32
129	11,598.85	11,301.69	11,014.89	10,738.05	10,470.76	10,212.65	9,963.36	9,722.54	9,489.87
130	11,679.38	11,377.99	11,087.18	10,806.53	10,535.64	10,274.13	10,021.61	9,777.73	9,542.16
131	11,759.78	11,454.12	11,159.28	10,874.81	10,600.31	10,335.37	10,079.61	9,832.66	9,594.18
132	11,840.05	11,530.10	11,231.20	10,942.90	10,664.76	10,396.38	10,137.37	9,887.35	9,645.95
133	11,920.18	11,605.92	11,302.94	11,010.78	10,729.00	10,457.17	10,194.89	9,941.78	9,697.47

134	12,000.18	11,681.59	11,374.51	11,078.47	10,793.02	10,517.73	10,252.17	9,995.96	9,748.72
135	12,080.05	11,757.09	11,445.89	11,145.96	10,856.83	10,578.06	10,309.22	10,049.90	9,799.73
136	12,159.78	11,832.44	11,517.10	11,213.25	10,920.43	10,638.16	10,366.03	10,103.59	9,850.47
137	12,239.38	11,907.63	11,588.13	11,280.35	10,983.82	10,698.05	10,422.60	10,157.04	9,900.97
138	12,318.85	11,982.67	11,658.98	11,347.26	11,046.99	10,757.71	10,478.94	10,210.24	9,951.12
139	12,398.19	12,057.55	11,729.66	11,413.97	11,109.96	10,817.14	10,535.04	10,263.20	10,001.21
140	12,477.39	12,132.27	11,800.16	11,480.48	11,172.72	10,876.35	10,590.91	10,315.92	10,050.95
141	12,556.46	12,206.84	11,870.48	11,546.80	11,235.27	10,935.35	10,646.55	10,368.40	10,100.45
142	12,635.41	12,281.26	11,940.63	11,612.93	11,297.61	10,994.12	10,701.96	10,420.64	10,149.70
143	12,714.21	12,355.52	12,010.60	11,678.87	11,359.74	11,052.67	10,757.14	10,472.64	10,198.71
144	12,792.89	12,429.62	12,080.40	11,744.61	11,421.67	11,111.01	10,812.09	10,524.40	10,247.47
145	12,871.44	12,503.57	12,150.03	11,810.17	11,483.39	11,169.12	10,866.81	10,575.93	10,295.99
146	12,949.86	12,577.37	12,219.48	11,875.53	11,544.91	11,237.02	10,921.30	10,627.22	10,344.27
147	13,028.14	12,651.01	12,288.76	11,940.70	11,606.22	11,284.70	10,975.57	10,678.28	10,392.31
148	13,106.30	12,724.50	12,357.86	12,005.69	11,667.33	11,342.17	11,029.61	10,729.11	10,440.11
149	13,184.33	12,797.84	12,426.79	12,070.48	11,728.24	11,399.42	11,083.43	10,779.70	10,487.67
150	13,262.22	12,871.03	12,495.56	12,135.09	11,788.94	11,456.46	11,137.03	10,830.06	10,534.99
151	13,339.94	12,944.06	12,564.15	12,199.51	11,849.44	11,513.28	11,190.40	10,880.19	10,582.08
152	13,417.63	13,016.94	12,632.56	12,263.74	11,909.74	11,569.90	11,243.55	10,930.10	10,628.94
153	13,495.13	13,089.67	12,700.81	12,327.78	11,969.84	11,626.30	11,296.49	10,979.77	10,675.56
154	13,572.51	13,162.25	12,768.89	12,391.64	12,029.74	11,682.49	11,349.20	11,029.22	10,721.95
155	13,649.76	13,234.68	12,836.80	12,455.31	12,089.45	11,738.47	11,401.69	11,078.45	10,768.11
156	13,726.89	13,306.96	12,904.54	12,518.80	12,148.95	11,794.24	11,453.97	11,127.44	10,814.04
157	13,803.88	13,379.08	12,972.11	12,582.10	12,208.25	11,849.80	11,506.02	11,176.22	10,859.74
158	13,880.75	13,451.06	13,039.51	12,645.22	12,267.36	11,905.16	11,557.87	11,224.77	10,905.21
159	13,957.48	13,522.89	13,106.74	12,708.15	12,326.28	11,960.31	11,609.49	11,273.11	10,950.46
160	14,034.09	13,594.56	13,173.81	12,770.90	12,384.99	12,015.25	11,660.91	11,321.22	10,995.48
161	14,110.57	13,666.09	13,240.70	12,833.47	12,443.51	12,069.99	11,712.11	11,369.11	11,040.28
162	14,186.93	13,737.47	13,307.44	12,895.86	12,501.84	12,124.52	11,763.09	11,416.78	11,084.86
163	14,263.16	13,808.71	13,374.00	12,958.07	12,559.97	12,178.85	11,813.87	11,464.24	11,129.21
164	14,339.26	13,879.79	13,440.40	13,020.09	12,617.91	12,232.98	11,864.43	11,511.48	11,173.35
165	14,415.23	13,950.73	13,506.63	13,081.93	12,675.66	12,286.90	11,914.79	11,558.50	11,217.26

ANNUITY TABLE, Continued

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
166	14,491.08	14,021.51	13,572.70	13,143.60	12,733.22	12,340.63	11,964.93	11,605.31	11,260.95
167	14,566.80	14,092.16	13,638.60	13,205.08	12,790.58	12,394.15	12,014.87	11,651.90	11,304.43
168	14,642.40	14,162.65	13,704.34	13,266.39	12,847.76	12,447.47	12,064.60	11,698.29	11,347.69
169	14,717.87	14,237.92	13,769.92	13,327.52	12,904.74	12,500.59	12,114.13	11,744.46	11,390.74
170	14,793.21	14,303.20	13,835.33	13,388.47	12,961.54	12,555.52	12,163.45	11,790.42	11,433.57
171	14,868.43	14,373.25	13,900.58	13,449.24	13,018.14	12,606.24	12,212.56	11,836.17	11,476.19
172	14,943.53	14,443.16	13,965.66	13,509.84	13,074.56	12,658.77	12,261.47	11,881.71	11,518.60
173	15,018.50	14,512.93	14,030.59	13,570.26	13,130.79	12,711.11	12,310.18	11,927.05	11,560.79
174	15,093.34	14,582.55	14,095.35	13,630.50	13,186.84	12,763.24	12,358.68	11,972.17	11,602.78
175	15,168.06	14,652.02	14,159.95	13,690.57	13,242.69	12,815.19	12,406.99	12,017.09	11,644.56
176	15,242.66	14,721.35	14,224.39	13,750.47	13,288.36	12,866.94	12,455.09	12,061.81	11,686.13
177	15,317.13	14,790.54	14,288.67	13,810.19	13,353.85	12,918.49	12,503.00	12,106.32	11,727.49
178	15,391.48	14,859.58	14,352.79	13,869.73	13,409.15	12,969.85	12,550.70	12,150.63	11,768.65
179	15,465.70	14,928.48	14,416.74	13,929.11	13,464.27	13,021.03	12,598.21	12,194.74	11,809.60
180	15,539.80	14,997.24	14,480.54	13,988.31	13,519.21	13,072.01	12,645.52	12,238.65	11,850.35
181	15,613.78	15,065.85	14,544.18	14,047.34	13,573.96	13,122.79	12,692.63	12,282.35	11,890.89
182	15,687.63	15,134.32	14,607.66	14,106.19	13,628.53	13,173.39	12,739.55	12,325.86	11,931.24
183	15,761.36	15,202.65	14,670.99	14,164.88	13,682.93	13,223.81	12,786.28	12,369.17	11,971.38
184	15,834.97	15,270.83	14,734.15	14,223.39	13,737.13	13,274.03	12,832.81	12,412.28	12,011.32
185	15,908.46	15,338.88	14,797.16	14,281.74	13,791.16	13,324.06	12,879.14	12,455.19	12,051.07
186	15,981.82	15,406.78	14,860.01	14,339.91	13,845.01	13,373.91	12,925.29	12,497.91	12,090.61
187	16,055.06	15,474.54	14,922.70	14,397.92	13,898.69	13,423.57	12,971.24	12,540.43	12,129.96
188	16,128.18	15,542.16	14,985.24	14,455.76	13,952.18	13,473.05	13,017.00	12,582.76	12,169.12
189	16,201.18	15,609.64	15,047.62	14,513.43	14,005.49	13,522.34	13,062.58	12,624.90	12,208.08
190	16,274.06	15,676.98	15,109.84	14,570.93	14,058.63	13,571.45	13,107.96	12,666.84	12,246.84
191	16,346.81	15,744.18	15,171.91	14,628.26	14,111.59	13,620.37	13,153.15	12,708.59	12,285.42
192	16,419.45	15,811.24	15,233.83	14,685.43	14,164.38	13,669.11	13,198.16	12,750.15	12,323.80
193	16,491.96	15,878.16	15,295.59	14,742.43	14,216.99	13,717.67	13,242.98	12,791.53	12,361.99
194	16,564.35	15,944.94	15,357.20	14,799.27	14,269.42	13,766.05	13,287.62	12,832.71	12,399.99
195	16,636.62	16,011.59	15,418.65	14,855.94	14,321.68	13,814.24	13,332.07	12,873.71	12,437.80
196	16,708.78	16,078.09	15,479.95	14,912.44	14,373.77	13,862.26	13,376.33	12,914.51	12,475.42
197	16,780.81	16,144.46	15,541.10	14,968.78	14,425.69	13,910.10	13,420.41	12,955.14	12,512.86
198	16,852.72	16,210.68	15,602.09	15,024.96	14,477.43	13,957.76	13,464.31	12,995.57	12,550.11
199	16,924.51	16,276.77	15,662.93	15,080.97	14,529.00	14,005.24	13,508.03	13,035.83	12,587.17
200	16,996.19	16,342.73	15,723.63	15,136.82	14,580.40	14,052.54	13,551.56	13,075.89	12,624.05



201	17,067.74	16,408.54	15,784.17	15,192.51	14,631.62	14,099.66	13,594.92	13,115.78	12,660.75
202	17,139.17	16,474.22	15,844.55	15,248.04	14,682.68	14,146.61	13,638.09	13,155.48	12,697.26
203	17,210.49	16,539.76	15,904.79	15,303.40	14,733.57	14,193.39	13,681.09	13,195.01	12,733.59
204	17,281.69	16,605.17	15,964.88	15,358.61	14,784.29	14,239.99	13,723.91	13,234.35	12,769.74
205	17,352.77	16,670.44	16,024.82	15,413.65	14,834.84	14,286.42	13,766.55	13,273.51	12,805.72
206	17,423.73	16,735.57	16,084.61	15,468.54	14,885.22	14,332.67	13,809.01	13,312.50	12,841.51
207	17,494.57	16,800.57	16,144.25	15,523.26	14,935.44	14,378.75	13,851.29	13,351.30	12,877.12
208	17,565.29	16,865.44	16,203.74	15,577.82	14,985.49	14,424.66	13,893.40	13,389.93	12,912.56
209	17,635.90	16,930.16	16,263.08	15,632.23	15,035.37	14,470.39	13,935.34	13,428.39	12,947.82
210	17,706.39	16,994.76	16,322.27	15,686.48	15,085.08	14,515.96	13,977.10	13,466.66	12,982.91
211	17,776.76	17,059.22	16,381.32	15,740.57	15,134.64	14,561.35	14,018.69	13,504.77	13,017.82
212	17,847.02	17,123.54	16,440.22	15,794.50	15,184.02	14,606.58	14,060.11	13,542.70	13,052.55
213	17,917.15	17,187.74	16,498.97	15,848.28	15,233.24	14,651.63	14,101.35	13,580.45	13,087.12
214	17,987.18	17,215.18	16,557.58	15,901.90	15,282.30	14,696.52	14,142.43	13,618.04	13,121.51
215	18,057.08	17,315.72	16,616.04	15,955.36	15,331.20	14,741.24	14,183.33	13,655.45	13,155.73
216	18,126.87	17,379.51	16,674.35	16,008.67	15,379.93	14,785.79	14,224.06	13,692.69	13,189.78
217	18,196.54	17,443.17	16,732.52	16,061.82	15,428.50	14,830.18	14,264.63	13,729.76	13,223.66
218	18,266.10	17,506.70	16,790.54	16,114.82	15,476.91	14,874.40	14,305.02	13,766.67	13,257.38
219	18,335.54	17,570.10	16,848.42	16,167.66	15,525.16	14,918.46	14,345.25	13,803.40	13,290.92
220	18,404.86	17,633.36	16,906.16	16,220.35	15,573.25	14,962.35	14,385.31	13,839.97	13,324.30
221	18,474.07	17,696.49	16,963.75	16,272.89	15,621.18	15,006.08	14,425.21	13,876.37	13,357.51
222	18,543.17	17,759.49	17,021.20	16,325.28	15,668.95	15,049.64	14,464.93	13,912.60	13,390.56
223	18,612.15	17,822.36	17,078.50	16,377.51	15,716.56	15,093.04	14,504.50	13,948.67	13,423.44
224	18,681.01	17,885.10	17,135.66	16,429.59	15,764.02	15,136.28	14,543.90	13,984.57	13,456.16
225	18,749.76	17,947.71	17,192.68	16,481.52	15,811.31	15,179.36	14,583.14	14,020.31	13,488.72
226	18,818.40	18,010.19	17,249.55	16,533.29	15,858.45	15,222.27	14,622.21	14,055.89	13,521.11
227	18,886.92	18,072.54	17,306.29	16,584.92	15,905.43	15,255.03	14,661.12	14,091.31	13,553.35
228	18,955.33	18,134.76	17,362.88	16,636.40	15,952.26	15,307.63	14,699.87	14,126.56	13,585.42
229	19,023.62	18,196.85	17,419.33	16,687.73	15,998.93	15,350.06	14,738.46	14,161.65	13,617.33
230	19,091.80	18,258.81	17,475.64	16,738.91	16,045.44	15,392.34	14,776.89	14,196.58	13,649.09
231	19,159.87	18,320.64	17,531.81	16,789.93	16,091.81	15,434.46	14,815.16	14,231.36	13,680.68
232	19,227.82	18,382.35	17,587.84	16,840.82	16,138.01	15,476.43	14,853.27	14,265.97	13,712.12

ANNUITY TABLE, Continued

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
233	19,295.66	18,443.92	17,643.74	16,891.55	16,184.06	15,518.23	14,891.23	14,300.43	13,743.41
234	19,363.39	18,505.37	17,699.49	16,942.13	16,229.96	15,559.88	14,929.02	14,334.73	13,774.53
235	19,431.01	18,566.69	17,755.10	16,992.57	16,275.71	15,601.38	14,966.66	14,368.87	13,805.51
236	19,498.51	18,627.88	17,810.57	17,042.86	16,321.31	15,642.72	15,004.14	14,402.86	13,836.32
237	19,565.90	18,688.94	17,865.91	17,093.01	16,366.75	15,683.90	15,041.47	14,436.69	13,866.99
238	19,633.18	18,749.88	17,921.10	17,143.01	16,412.05	15,724.94	15,078.64	14,470.37	13,897.50
239	19,700.34	18,810.69	17,976.16	17,192.86	16,457.19	15,765.81	15,115.66	14,503.89	13,927.86
240	19,767.40	18,871.38	18,031.09	17,242.57	16,502.18	15,806.54	15,152.53	14,537.26	13,958.07
241	19,834.34	18,931.94	18,085.87	17,292.14	16,547.02	15,847.11	15,189.24	14,570.48	13,988.13
242	19,901.17	18,992.37	18,140.52	17,341.56	16,591.72	15,887.53	15,225.80	14,603.55	14,018.04
243	19,967.89	19,052.68	18,195.03	17,390.83	16,636.26	15,927.80	15,262.20	14,636.46	14,047.80
244	20,034.50	19,112.86	18,249.41	17,439.97	16,680.66	15,967.92	15,298.46	14,669.23	14,077.42
245	20,101.00	19,172.91	18,303.65	17,488.96	16,724.91	16,007.90	15,334.57	14,701.84	14,106.88
246	20,167.39	19,232.84	18,357.76	17,537.81	16,769.02	16,047.72	15,370.52	14,734.31	14,136.20
247	20,233.67	19,292.65	18,411.73	17,586.51	16,812.97	16,087.39	15,406.33	14,766.63	14,165.37
248	20,299.83	19,352.33	18,465.56	17,635.08	16,856.78	16,126.91	15,441.99	14,798.80	14,194.40
249	20,365.89	19,411.89	18,519.26	17,683.50	16,900.45	16,168.29	15,477.50	14,830.83	14,223.28
250	20,431.84	19,471.33	18,572.83	17,731.78	16,943.97	16,205.52	15,512.86	14,862.71	14,252.02
251	20,497.67	19,530.64	18,626.27	17,779.92	16,987.34	16,244.60	15,548.08	14,894.44	14,280.62
252	20,563.40	19,589.83	18,679.57	17,827.93	17,030.58	16,283.54	15,583.15	14,926.03	14,309.08
253	20,629.02	19,648.89	18,732.74	17,875.79	17,073.66	16,322.33	15,618.07	14,957.48	14,337.39
254	20,694.53	19,707.83	18,785.77	17,923.51	17,116.61	16,360.98	15,652.85	14,988.78	14,365.56
255	20,759.93	19,766.65	18,838.67	17,971.09	17,159.41	16,399.48	15,687.49	15,019.94	14,393.59
256	20,825.22	19,825.35	18,891.45	18,018.54	17,202.07	16,437.84	15,721.98	15,050.95	14,421.49
257	20,890.40	19,883.93	18,944.09	18,065.85	17,244.59	16,476.05	15,756.33	15,081.83	14,449.24
258	20,955.48	19,942.38	18,996.59	18,113.02	17,286.96	16,514.12	15,790.53	15,112.56	14,476.85
259	21,020.44	20,000.71	19,048.97	18,160.05	17,329.20	16,552.05	15,824.60	15,143.16	14,504.33
260	21,085.30	20,058.92	19,101.22	18,206.95	17,371.30	16,589.84	15,858.52	15,173.61	14,531.67
261	21,150.05	20,117.01	19,153.34	18,253.71	17,413.25	16,627.49	15,892.30	15,203.92	14,558.88
262	21,214.69	20,174.98	19,205.32	18,300.33	17,455.07	16,664.99	15,925.95	15,234.10	14,585.95
263	21,279.23	20,232.83	19,257.18	18,346.82	17,496.75	16,702.36	15,959.45	15,264.14	14,612.89
264	21,343.65	20,290.56	19,308.91	18,393.17	17,538.28	16,739.59	15,992.81	15,294.04	14,639.69
265	21,407.97	20,348.16	19,360.51	18,439.39	17,579.69	16,776.67	16,026.04	15,323.81	14,666.36
266	21,472.19	20,405.65	19,411.98	18,485.48	17,620.95	16,813.62	16,059.12	15,353.44	14,692.99
267	21,536.29	20,463.02	19,463.32	18,531.43	17,662.08	16,850.43	16,092.07	15,382.93	14,719.29

268	21,600.29	20,520.27	19,514.53	18,577.24	17,703.07	16,887.11	16,124.89	15,412.29	14,745.57
269	21,664.19	20,577.40	19,565.62	18,622.93	17,743.92	16,923.64	16,157.56	15,441.52	14,771.71
270	21,727.97	20,634.41	19,616.58	18,668.48	17,784.64	16,960.04	16,190.10	15,470.61	14,797.72
271	21,791.65	20,691.30	19,667.41	18,713.89	17,825.22	16,996.31	16,232.51	15,499.57	14,823.60
272	21,855.23	20,748.08	19,718.11	18,759.18	17,865.67	17,032.43	16,254.78	15,528.40	14,849.36
273	21,918.70	20,804.74	19,768.69	18,804.33	17,905.98	17,068.43	16,286.92	15,557.10	14,874.98
274	21,982.06	20,861.28	19,819.14	18,849.36	17,946.16	17,104.29	16,318.92	15,585.66	14,900.48
275	22,045.32	20,917.70	19,869.47	18,894.25	17,986.21	17,140.01	16,350.80	15,614.10	14,925.85
276	22,108.47	20,974.00	19,919.67	18,939.01	18,026.12	17,175.60	16,382.53	15,642.41	14,951.09
277	22,171.52	21,030.19	19,969.74	18,983.64	18,065.90	17,211.06	16,414.14	15,670.58	14,976.21
278	22,234.46	21,086.26	20,019.70	19,028.14	18,105.55	17,246.39	16,445.62	15,698.63	15,001.21
279	22,297.30	21,142.21	20,069.52	19,072.51	18,145.06	17,281.58	16,476.96	15,726.55	15,026.08
280	22,360.03	21,198.05	20,119.22	19,116.76	18,184.45	17,316.64	16,508.18	15,754.34	15,050.82
281	22,422.66	21,253.77	20,168.80	19,160.87	18,223.70	17,351.58	16,539.27	15,782.01	15,075.44
282	22,485.18	21,309.38	20,218.26	19,204.86	18,262.83	17,386.38	16,570.22	15,809.55	15,099.94
283	22,547.61	21,364.87	20,267.59	19,248.71	18,301.82	17,421.05	16,601.05	15,836.96	15,124.32
284	22,609.92	21,420.24	20,316.80	19,292.44	18,340.69	17,455.59	16,631.75	15,864.25	15,148.58
285	22,672.14	21,475.50	20,365.88	19,336.05	18,379.42	17,490.00	16,662.33	15,891.41	15,172.72
286	22,734.24	21,530.64	20,414.84	19,379.52	18,418.03	17,524.29	16,692.77	15,918.46	15,196.73
287	22,796.25	21,585.67	20,463.63	19,422.87	18,456.51	17,558.44	16,723.10	15,945.37	15,220.63
288	22,858.15	21,640.59	20,512.40	19,466.10	18,494.86	17,592.47	16,753.29	15,972.17	15,244.41
289	22,919.95	21,695.39	20,561.00	19,509.20	18,533.08	17,626.37	16,783.36	15,998.84	15,268.07
290	22,981.65	21,750.08	20,609.48	19,552.17	18,571.17	17,660.15	16,813.30	16,025.39	15,291.61
291	23,043.25	21,804.65	20,657.83	19,595.02	18,603.14	17,693.79	16,843.12	16,051.82	15,315.03
292	23,104.74	21,859.11	20,706.07	19,637.74	18,646.99	17,727.32	16,872.82	16,078.13	15,338.34
293	23,166.13	21,913.46	20,754.18	19,630.34	18,684.71	17,760.71	16,902.39	16,104.31	15,361.53
294	23,227.42	21,967.69	20,802.18	19,722.81	18,722.30	17,792.99	16,931.84	16,130.38	15,384.61
295	23,288.60	22,021.81	20,850.05	19,765.17	18,759.77	17,827.13	16,961.17	16,156.33	15,407.57
296	23,349.69	22,075.82	20,897.81	19,807.39	18,797.11	17,860.16	16,990.38	16,182.17	15,430.42
297	23,410.67	22,129.72	20,945.44	19,849.50	18,834.23	17,893.06	17,019.47	16,207.88	15,453.16
298	23,471.55	22,183.50	20,992.96	19,891.48	18,871.42	17,923.84	17,048.43	16,233.48	15,475.78
299	23,532.33	22,237.18	21,040.36	19,933.34	18,908.39	17,958.49	17,077.27	16,258.96	15,498.28

ANNUITY TABLE, Continued

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
300	23,593.01	22,290.74	21,087.64	19,975.08	18,945.24	17,991.03	17,106.00	16,284.32	15,520.68
301	23,653.53	22,344.19	21,134.80	20,016.70	18,981.97	18,023.44	17,134.61	16,309.57	15,542.97
302	23,714.06	22,397.53	21,181.85	20,058.20	19,018.57	18,053.73	17,163.09	16,334.70	15,565.14
303	23,774.44	22,450.75	21,228.78	20,099.57	19,055.06	18,087.90	17,191.46	16,359.72	15,587.20
304	23,834.71	22,503.87	21,275.59	20,140.83	19,091.42	18,119.95	17,219.71	16,384.62	15,609.16
305	23,894.89	22,556.88	21,322.28	20,181.97	19,127.66	18,151.88	17,247.85	16,409.41	15,631.00
306	23,954.96	22,609.77	21,368.86	20,222.98	19,163.78	18,183.69	17,275.86	16,434.09	15,652.52
307	24,014.94	22,662.56	21,415.32	20,263.88	19,199.78	18,215.38	17,303.76	16,458.65	15,674.37
308	24,074.81	22,715.24	21,461.67	20,304.66	19,235.66	18,246.96	17,331.55	16,483.11	15,695.89
309	24,134.59	22,767.80	21,507.90	20,345.32	19,271.43	18,278.41	17,359.22	16,507.45	15,717.30
310	24,194.26	22,820.26	21,554.01	20,385.86	19,307.07	18,309.75	17,386.77	16,531.68	15,738.61
311	24,253.84	22,872.61	21,600.01	20,426.28	19,342.59	18,340.97	17,414.22	16,555.80	15,759.81
312	24,313.32	22,924.85	21,645.90	20,466.59	19,378.00	18,372.08	17,441.54	16,579.80	15,780.91
313	24,372.70	22,976.98	21,691.67	20,506.78	19,413.29	18,403.07	17,468.76	16,603.70	15,801.90
314	24,431.98	23,029.00	21,737.33	20,546.85	19,448.46	18,433.94	17,495.86	16,627.50	15,822.78
315	24,491.16	23,080.92	21,782.87	20,586.80	19,483.52	18,464.70	17,522.84	16,651.18	15,843.56
316	24,550.24	23,132.72	21,828.30	20,626.64	19,518.45	18,495.34	17,549.72	16,674.75	15,864.24
317	24,609.23	23,184.42	21,873.61	20,666.36	19,553.28	18,525.87	17,576.49	16,698.22	15,884.82
318	24,668.11	23,236.02	21,918.62	20,705.97	19,587.98	18,556.28	17,603.14	16,721.58	15,905.29
319	24,726.90	23,287.50	21,963.91	20,745.46	19,622.57	18,586.58	17,629.68	16,744.83	15,925.66
320	24,785.59	23,338.88	22,008.88	20,784.84	19,657.05	18,616.77	17,656.11	16,767.98	15,945.93
321	24,844.18	23,390.15	22,053.75	20,824.11	19,691.41	18,646.84	17,682.44	16,791.02	15,966.10
322	24,902.68	23,441.31	22,098.50	20,863.25	19,725.66	18,676.81	17,708.65	16,813.95	15,986.17
323	24,961.08	23,492.37	22,143.15	20,902.29	19,759.79	18,706.66	17,734.76	16,836.79	16,006.14
324	25,019.38	23,543.32	22,187.68	20,941.21	19,793.82	18,736.39	17,760.75	16,859.51	16,026.01
325	25,077.58	23,594.17	22,232.10	20,980.02	19,827.72	18,766.02	17,786.64	16,882.14	16,045.78
326	25,135.69	23,644.91	22,276.41	21,018.71	19,861.52	18,795.54	17,812.42	16,904.66	16,065.46
327	25,193.70	23,695.54	22,320.60	21,057.30	19,895.20	18,824.94	17,838.10	16,927.07	16,085.03
328	25,251.62	23,746.07	22,364.69	21,095.77	19,928.77	18,854.24	17,863.67	16,949.39	16,104.51
329	25,309.43	23,796.49	22,408.67	21,134.13	19,962.23	18,883.43	17,889.13	16,971.60	16,123.89
330	25,367.15	23,846.81	22,452.54	21,172.37	19,995.58	18,912.51	17,914.49	16,993.71	16,143.17
331	25,424.78	23,897.03	22,496.30	21,210.51	20,028.82	18,941.48	17,939.74	17,015.73	16,162.36
332	25,482.31	23,947.14	22,539.95	21,248.53	20,061.94	18,970.34	17,964.88	17,037.64	16,181.45
333	25,539.74	23,997.14	22,583.49	21,286.45	20,094.96	18,999.09	17,989.92	17,059.45	16,200.45
334	25,597.08	24,047.04	22,626.92	21,324.25	20,127.87	19,027.74	18,014.86	17,081.16	16,219.35

335	25,654.32	24,096.84	22,670.25	21,361.95	20,160.66	19,056.28	18,039.70	17,102.77	16,238.16
336	25,711.47	24,146.54	22,713.46	21,399.53	20,193.35	19,084.71	18,064.43	17,124.28	16,256.88
337	25,768.52	24,196.13	22,756.57	21,437.01	20,225.93	19,113.03	18,089.06	17,145.70	16,275.50
338	25,825.48	24,245.62	22,799.57	21,474.37	20,258.41	19,141.25	18,113.58	17,167.02	16,294.03
339	25,882.34	24,295.00	22,842.47	21,511.63	20,290.77	19,169.37	18,138.01	17,188.24	16,312.47
340	25,939.11	24,344.29	22,885.25	21,548.78	20,323.03	19,197.38	18,162.33	17,209.36	16,330.82
341	25,995.79	24,393.47	22,927.93	21,585.82	20,355.18	19,225.28	18,186.56	17,230.39	16,349.07
342	26,052.37	24,442.54	22,970.51	21,622.76	20,387.22	19,253.08	18,210.68	17,251.32	16,367.23
343	26,108.85	24,491.52	23,012.97	21,659.58	20,419.15	19,280.78	18,234.70	17,272.16	16,385.31
344	26,165.24	24,540.39	23,055.34	21,696.30	20,450.98	19,308.38	18,258.62	17,292.90	16,403.29
345	26,221.54	24,589.17	23,097.59	21,732.91	20,482.71	19,335.87	18,282.45	17,313.54	16,421.18
346	26,277.74	24,637.84	23,139.74	21,769.42	20,514.33	19,363.25	18,306.17	17,334.10	16,438.99
347	26,333.85	24,686.41	23,181.79	21,805.82	20,545.84	19,390.54	18,329.80	17,354.55	16,456.71
348	26,389.87	24,734.88	23,223.73	21,842.11	20,577.25	19,417.72	18,353.32	17,374.92	16,474.33
249	26,445.79	24,783.24	23,265.57	21,878.30	20,608.56	19,444.80	18,376.75	17,395.19	16,491.88
350	26,501.62	24,831.51	23,307.30	21,914.38	20,639.76	19,471.79	18,400.09	17,415.37	16,509.33
351	26,557.36	24,879.68	23,348.92	21,950.36	20,670.85	19,498.67	18,423.32	17,435.46	16,526.69
352	26,613.01	24,927.75	23,390.45	21,986.24	20,701.85	19,525.44	18,446.46	17,455.45	16,543.97
353	26,668.56	24,975.71	23,431.87	22,022.01	20,732.74	19,552.12	18,469.51	17,475.36	16,561.17
354	26,724.02	25,023.58	23,473.19	22,057.67	20,763.53	19,578.70	18,492.45	17,495.17	16,578.28
355	26,779.39	25,071.35	23,514.40	22,093.23	20,794.21	19,605.18	18,515.31	17,514.90	16,595.30
356	26,834.66	25,119.02	23,555.51	22,128.69	20,824.80	19,631.57	18,538.06	17,534.53	16,612.24
357	26,889.85	25,166.59	23,596.52	22,164.04	20,855.28	19,657.85	18,560.73	17,554.07	16,629.09
358	26,944.94	25,214.06	23,637.43	22,199.30	20,885.66	19,684.03	18,583.30	17,573.53	16,645.87
359	26,999.94	25,261.43	23,678.23	22,234.45	20,915.94	19,710.12	18,605.77	17,592.89	16,662.55
360	27,054.85	25,308.70	23,718.93	22,269.49	20,946.12	19,736.11	18,628.16	17,612.17	16,679.16
361	27,109.66	25,355.88	23,759.53	22,304.44	20,976.20	19,762.00	18,650.45	17,631.36	16,695.68
362	27,164.39	25,402.96	23,800.03	22,339.28	21,006.18	19,787.80	18,672.64	17,650.46	16,712.12
363	27,219.02	25,449.94	23,840.43	22,374.03	21,036.06	19,813.50	18,694.75	17,669.48	16,728.48
364	27,273.57	25,496.82	23,880.73	22,408.67	21,065.84	19,839.10	18,716.76	17,688.41	16,744.75
365	27,328.02	25,543.60	23,920.93	22,443.21	21,095.52	19,864.61	18,738.68	17,707.25	16,760.95

ANNUITY TABLE, Continued

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
366	27,382.38	25,590.29	23,961.03	22,477.65	21,125.10	19,890.02	18,760.52	17,726.00	16,777.06
367	27,436.66	25,636.88	24,001.02	22,511.99	21,154.59	19,915.34	18,782.26	17,744.67	16,793.10
368	27,490.84	25,683.37	24,040.92	22,546.23	21,183.97	19,940.56	18,803.91	17,763.26	16,809.05
369	27,544.93	25,729.77	24,080.72	22,580.37	21,213.26	19,965.69	18,825.47	17,781.76	16,824.93
370	27,598.93	25,776.07	24,120.42	22,614.41	21,242.46	19,990.73	18,846.94	17,800.17	16,840.72
371	27,652.84	25,822.27	24,160.02	22,648.35	21,271.55	20,015.67	18,868.32	17,818.51	16,856.44
372	27,706.67	25,868.38	24,199.52	22,682.20	21,300.55	20,040.51	18,889.61	17,836.75	16,872.08
373	27,760.40	25,914.39	24,238.92	22,715.94	21,329.45	20,065.27	18,910.82	17,854.92	16,887.64
374	27,814.04	25,960.31	24,278.23	22,749.59	21,358.26	20,089.93	18,931.94	17,873.00	16,903.13
375	27,867.60	26,006.13	24,317.43	22,783.14	21,386.97	20,114.50	18,952.96	17,891.00	16,918.53
376	27,921.06	26,051.85	24,356.54	22,816.59	21,415.58	20,138.98	18,973.91	17,908.92	16,933.86
377	27,974.44	26,097.48	24,395.55	22,849.94	21,444.10	20,163.37	18,994.76	17,926.75	16,949.12
378	28,027.72	26,143.02	24,434.47	22,883.20	21,472.53	20,187.67	19,015.53	17,944.51	16,964.30
379	28,080.92	26,188.46	24,473.28	22,916.36	21,500.86	20,211.87	19,036.21	17,962.18	16,979.40
380	28,134.03	26,233.80	24,512.00	22,949.42	21,529.09	20,235.99	19,056.81	17,979.77	16,994.43
381	28,187.05	26,279.06	24,550.63	22,982.39	21,557.24	20,260.01	19,077.32	17,997.29	17,009.38
382	28,239.99	26,324.21	24,589.15	23,015.26	21,585.28	20,283.95	19,097.75	18,014.72	17,024.26
383	28,292.83	26,369.28	24,627.59	23,048.04	21,613.24	20,307.79	19,118.09	18,032.07	17,039.06
384	28,345.59	26,414.23	24,665.92	23,080.72	21,641.10	20,331.55	19,138.34	18,049.35	17,053.79
385	28,398.26	26,459.13	24,704.16	23,113.31	21,668.87	20,355.22	19,158.52	18,066.54	17,068.45
386	28,450.84	26,503.91	24,742.30	23,145.80	21,696.55	20,378.80	19,178.61	18,083.66	17,083.04
387	28,503.34	26,548.60	24,780.35	23,178.20	21,724.14	20,402.29	19,198.61	18,100.70	17,097.55
388	28,555.74	26,593.20	24,818.31	23,210.50	21,751.63	20,425.69	19,218.54	18,117.68	17,111.99
389	28,608.06	26,637.70	24,856.17	23,242.71	21,779.03	20,449.01	19,238.38	18,134.54	17,126.36
390	28,660.30	26,682.11	24,893.93	23,274.82	21,806.35	20,472.24	19,258.13	18,151.35	17,140.95
391	28,712.44	26,726.43	24,931.60	23,306.85	21,833.57	20,495.38	19,277.81	18,168.08	17,154.88
392	28,764.50	26,770.66	24,969.18	23,338.77	21,860.70	20,518.43	19,297.40	18,184.73	17,169.03
393	28,816.47	26,814.80	25,006.66	23,370.61	21,887.74	20,541.40	19,316.92	18,201.31	17,183.12
394	28,868.36	26,858.84	25,044.05	23,402.35	21,914.69	20,564.29	19,336.35	18,217.81	17,197.13
395	28,920.16	26,902.79	25,081.35	23,434.00	21,941.55	20,587.09	19,355.70	18,234.24	17,211.08
396	28,971.87	26,946.66	25,118.55	23,465.56	21,968.32	20,609.80	19,374.97	18,250.59	17,224.95
397	29,023.50	26,990.43	25,155.66	23,497.03	21,995.01	20,632.43	19,394.16	18,266.88	17,238.76
398	29,075.04	27,034.10	25,192.68	23,528.40	22,021.60	20,654.97	19,413.27	18,283.07	17,252.50
399	29,126.50	27,077.69	25,229.61	23,559.69	22,048.11	20,677.43	19,432.30	18,299.19	17,266.17
400	29,177.87	27,121.19	25,266.44	23,590.88	22,074.53	20,699.81	19,451.26	18,315.25	17,279.77

401	29,229.15	27,164.60	25,303.18	23,621.98	22,100.86	20,722.10	19,470.13	18,331.23	17,293.30
402	29,280.35	27,207.91	25,339.83	23,653.00	22,127.10	20,744.31	19,488.93	18,347.14	17,306.77
403	29,331.47	27,251.14	25,376.39	23,683.92	22,153.26	20,766.43	19,507.65	18,362.98	17,320.17
404	29,382.50	27,294.28	25,412.86	23,714.75	22,179.33	20,788.48	19,526.29	18,378.74	17,333.50
405	29,433.44	27,337.32	25,449.24	23,745.49	22,205.31	20,810.44	19,544.85	18,394.43	17,346.76
406	29,484.30	27,380.28	25,485.52	23,776.15	22,231.20	20,832.32	19,563.34	18,410.05	17,359.96
407	29,535.07	27,423.15	25,521.72	23,806.71	22,257.01	20,854.11	19,581.75	18,425.60	17,373.10
408	29,585.76	27,465.93	25,557.83	23,837.18	22,282.74	20,875.83	19,600.08	18,441.08	17,386.17
409	29,636.37	27,508.62	25,593.84	23,867.51	22,308.38	20,897.46	19,618.33	18,456.49	17,399.17
410	29,686.89	27,551.22	25,629.77	23,897.87	22,333.93	20,919.02	19,636.52	18,471.83	17,412.11
411	29,737.33	27,593.74	25,665.60	23,928.08	22,359.40	20,940.49	19,654.62	18,487.09	17,424.99
412	29,787.68	27,636.16	25,701.35	23,958.20	22,384.78	20,961.88	19,672.65	18,502.29	17,437.80
413	29,837.95	27,678.50	25,737.01	23,988.23	22,410.08	20,983.20	19,690.61	18,517.42	17,450.54
414	29,888.14	27,720.74	25,772.58	24,018.18	22,435.30	21,004.43	19,708.49	18,532.48	17,463.23
415	29,938.24	27,762.91	25,808.06	24,048.04	22,460.43	21,025.58	19,726.30	18,547.47	17,475.85
416	29,988.26	27,804.98	25,843.45	24,077.81	22,485.48	21,046.66	19,744.03	18,562.39	17,488.41
417	30,038.20	27,846.96	25,878.75	24,107.50	22,510.44	21,067.66	19,761.69	18,577.25	17,500.90
418	30,088.05	27,888.86	25,913.96	24,137.10	22,535.33	21,088.57	19,779.28	18,592.03	17,513.34
419	30,137.82	27,930.67	25,949.09	24,165.61	22,560.13	21,109.41	19,796.79	18,606.75	17,525.71
420	30,187.51	27,972.40	25,984.13	24,196.04	22,584.84	21,130.18	19,814.23	18,621.40	17,538.02
421	30,237.12	28,014.03	26,019.08	24,225.39	22,609.48	21,150.86	19,831.60	18,635.99	17,550.27
422	30,286.64	28,055.59	26,053.95	24,254.64	22,634.03	21,171.47	19,848.89	18,650.51	17,562.45
423	30,336.08	28,097.05	26,088.73	24,283.82	22,658.50	21,192.00	19,866.12	18,664.96	17,574.58
424	30,385.44	28,138.43	26,123.42	24,312.90	22,682.89	21,212.45	19,883.27	18,679.35	17,586.65
425	30,434.71	28,179.72	26,158.02	24,341.91	22,707.20	21,232.83	19,900.35	18,693.67	17,598.65
426	30,483.90	28,220.93	26,192.54	24,370.82	22,731.43	21,253.13	19,917.36	18,707.92	17,610.60
427	30,533.02	28,262.05	26,226.97	24,399.66	22,755.58	21,273.35	19,934.30	18,722.11	17,622.49
428	30,582.05	28,303.08	26,261.32	24,428.41	22,779.65	21,293.50	19,951.18	18,736.24	17,634.32
429	30,630.99	28,344.03	26,295.58	24,457.08	22,803.63	21,313.58	19,967.98	18,750.30	17,646.09
430	30,679.86	28,384.90	26,329.76	24,485.66	22,827.54	21,333.57	19,984.71	18,764.30	17,657.80
431	30,728.65	28,425.68	26,363.85	24,514.16	22,851.37	21,353.50	20,001.37	18,778.23	17,669.45

ANNUITY TABLE, Continued

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
432	30,777.35	28,466.37	26,397.85	24,542.58	22,875.12	21,373.35	20,017.96	18,792.10	17,681.05
433	30,825.97	28,506.98	26,431.77	24,570.91	22,898.79	21,393.12	20,034.48	18,805.91	17,692.58
434	30,874.52	28,547.51	26,465.61	24,599.16	22,922.38	21,412.83	20,050.94	18,819.65	17,704.06
435	30,922.98	28,587.95	26,499.35	24,627.33	22,945.90	21,432.45	20,067.32	18,833.33	17,715.48
436	30,971.36	28,628.31	26,533.03	24,655.42	22,969.33	21,452.01	20,083.64	18,846.95	17,726.85
437	31,019.66	28,668.58	26,566.61	24,683.43	22,992.69	21,471.49	20,099.89	18,860.50	17,738.16
438	31,067.88	28,708.77	26,600.11	24,711.35	23,015.97	21,490.90	20,116.07	18,874.00	17,749.41
439	31,116.02	28,748.88	26,633.53	24,739.20	23,039.17	21,510.24	20,132.19	18,887.43	17,760.61
440	31,164.08	28,788.90	26,666.86	24,766.93	23,062.30	21,529.50	20,148.24	18,900.80	17,771.75
441	31,212.06	28,828.84	26,700.11	24,794.64	23,085.35	21,548.69	20,164.22	18,914.11	17,782.84
442	31,259.96	28,868.70	26,733.28	24,822.25	23,108.32	21,567.81	20,180.14	18,927.36	17,793.87
443	31,307.78	28,908.47	26,766.36	24,849.77	23,131.22	21,586.86	20,195.99	18,940.55	17,804.84
444	31,355.52	28,948.16	26,799.36	24,877.21	23,154.04	21,605.84	20,211.77	18,953.68	17,815.76
445	31,403.18	28,987.77	26,832.28	24,904.57	23,176.78	21,624.75	20,227.49	18,966.75	17,826.63
446	31,450.76	29,027.30	26,865.12	24,931.85	23,199.45	21,643.59	20,243.14	18,979.76	17,837.44
447	31,498.27	29,066.74	26,897.88	24,959.05	23,222.04	21,662.35	20,258.73	18,992.71	17,848.20
448	31,545.69	29,106.11	26,930.55	24,986.18	23,244.56	21,681.05	20,274.26	19,005.60	17,858.91
449	31,593.04	29,145.39	26,963.14	25,013.22	23,267.00	21,699.67	20,289.72	19,018.43	17,869.56
450	31,640.30	29,184.58	26,995.65	25,040.19	23,289.37	21,718.23	20,305.11	19,031.20	17,880.16
451	31,687.49	29,223.70	27,028.08	25,067.08	23,311.67	21,736.72	20,320.44	19,043.92	17,890.71
452	31,734.60	29,262.74	27,060.43	25,093.89	23,333.89	21,755.14	20,335.71	19,056.58	17,901.20
453	31,781.63	29,301.69	27,092.70	25,120.62	23,356.03	21,773.49	20,350.91	19,069.18	17,911.64
454	31,828.58	29,340.57	27,124.89	25,147.27	23,378.11	21,791.77	20,366.06	19,081.72	17,922.03
455	31,875.46	29,379.36	27,156.99	25,173.85	23,400.11	21,809.98	20,381.13	19,094.20	17,932.37
456	31,922.25	29,418.07	27,189.02	25,200.35	23,422.03	21,828.12	20,396.15	19,106.63	17,942.66
457	31,968.97	29,456.70	27,220.97	25,226.77	23,443.89	21,846.20	20,411.10	19,119.00	17,952.89
458	32,015.61	29,495.26	27,252.84	25,253.11	23,465.67	21,864.21	20,426.00	19,131.32	17,963.08
459	32,062.17	29,533.73	27,284.63	25,279.38	23,487.38	21,882.15	20,440.83	19,143.58	17,973.21
460	32,108.66	29,572.12	27,316.33	25,305.57	23,509.01	21,900.03	20,455.59	19,155.78	17,983.29
461	32,155.07	29,610.43	27,347.97	25,331.69	23,530.58	21,917.83	20,470.30	19,167.93	17,993.33
462	32,201.40	29,648.66	27,379.52	25,357.73	23,552.07	21,935.58	20,484.95	19,180.02	18,003.31
463	32,247.65	29,686.81	27,410.99	25,383.69	23,573.49	21,953.25	20,499.53	19,192.05	18,013.24
464	32,293.83	29,724.89	27,442.38	25,409.58	23,594.84	21,970.86	20,514.06	19,204.04	18,023.13
465	32,339.93	29,762.88	27,473.70	25,435.40	23,616.12	21,988.40	20,528.52	19,215.96	18,032.96



466	32,385.95	29,800.80	27,504.94	25,461.13	23,637.33	22,005.88	20,542.93	19,227.83	18,042.75
467	32,431.90	29,838.63	27,536.10	25,486.80	23,658.47	22,023.29	20,557.27	19,239.65	18,052.49
468	32,477.77	29,876.39	27,567.18	25,512.39	23,679.54	22,040.64	20,571.56	19,251.42	18,062.18
469	32,523.56	29,914.07	27,598.18	25,537.90	23,700.54	22,057.93	20,585.78	19,263.13	18,071.82
470	32,569.28	29,951.67	27,629.11	25,563.34	23,721.46	22,075.14	20,599.95	19,274.78	18,081.41
471	32,614.92	29,989.19	27,659.96	25,588.71	23,742.32	22,092.30	20,614.06	19,286.39	18,090.96
472	32,660.49	30,026.64	27,690.73	25,614.00	23,763.11	22,109.39	20,628.11	19,297.94	18,100.45
473	32,705.98	30,064.00	27,721.43	25,639.22	23,783.83	22,126.41	20,642.10	19,309.44	18,109.90
474	32,751.39	30,101.29	27,752.05	25,664.37	23,804.48	22,143.38	20,656.03	19,320.88	18,119.31
475	32,796.73	30,138.50	27,782.59	25,689.44	23,825.07	22,160.27	20,669.91	19,332.28	18,128.66
476	32,842.00	30,175.64	27,813.06	25,714.44	23,845.58	22,177.11	20,683.72	19,343.62	18,137.97
477	32,887.18	30,212.69	27,843.45	25,739.36	23,866.03	22,193.88	20,697.48	19,354.91	18,147.24
478	32,932.30	30,249.67	27,873.77	25,764.22	23,886.41	22,210.59	20,711.19	19,366.15	18,156.46
479	32,977.34	30,286.58	27,904.01	25,789.00	23,906.72	22,227.24	20,724.83	19,377.34	18,165.63
480	33,022.30	30,323.40	27,934.17	25,813.71	23,926.96	22,243.83	20,738.42	19,388.47	18,174.75

**MORTALITY TABLES AS PROVIDED IN ACT NO. 457, APPROVED  
AUGUST 31, 1953**

**1941 CSO Mortality Table—Commissioners Standard Ordinary**

<b>Age</b>	<b>Number Living</b>	<b>Deaths Each Year</b>	<b>Death Rate per 1000</b>	<b>Expectation of Life (Yrs.)</b>	<b>Age</b>	<b>Number Living</b>	<b>Deaths Each Year</b>	<b>Death Rate per 1000</b>	<b>Expectation of Life (Yrs.)</b>
0	1,023,102	23,102	22.58	62.35	50	810,900	9,990	12.32	21.37
1	1,000,000	5,770	5.77	62.76	51	800,910	10,628	13.27	20.64
2	994,230	4,116	4.14	62.12	52	790,282	11,301	14.30	19.91
3	990,114	3,347	3.38	61.37	53	778,981	12,020	15.43	19.19
4	986,767	2,950	2.99	60.58	54	766,961	12,770	16.65	18.48
5	983,817	2,715	2.76	59.76	55	754,191	13,560	17.98	17.78
6	981,102	2,561	2.61	58.92	56	740,631	14,390	19.43	17.10
7	978,541	2,417	2.47	58.08	57	726,241	15,251	21.00	16.43
8	976,124	2,255	2.31	57.22	58	710,990	16,147	22.71	15.77
9	973,869	2,065	2.12	56.35	59	694,843	17,072	24.57	15.13
10	971,804	1,914	1.97	55.47	60	677,771	18,022	26.59	14.50
11	969,890	1,852	1.91	54.58	61	659,749	18,988	28.78	13.88
12	968,038	1,859	1.92	53.68	62	640,761	19,979	31.18	13.27
13	966,179	1,913	1.98	52.78	63	620,782	20,958	33.79	12.69
14	964,266	1,996	2.07	51.89	64	599,824	21,942	36.58	12.11
15	962,270	2,069	2.15	50.99	65	577,882	22,907	39.64	11.55
16	960,201	2,103	2.19	50.10	66	554,975	23,842	42.96	11.01
17	958,098	2,156	2.25	49.21	67	531,133	24,730	46.56	10.48
18	955,942	2,199	2.30	48.32	68	506,403	25,553	50.46	9.97
19	953,743	2,260	2.37	47.43	69	480,850	26,302	54.70	9.47
20	951,483	2,312	2.43	46.54	70	454,548	26,955	59.30	8.99
21	949,171	2,382	2.51	45.66	71	427,593	27,481	64.27	8.52
22	946,789	2,452	2.59	44.77	72	400,112	27,872	69.66	8.08
23	944,337	2,531	2.68	43.88	73	372,240	28,104	75.50	7.64
24	941,806	2,609	2.77	43.00	74	344,136	28,154	81.81	7.23
25	939,197	2,705	2.88	42.12	75	315,982	28,009	88.64	6.82
26	936,492	2,800	2.99	41.24	76	287,973	27,651	96.02	6.44
27	933,692	2,904	3.11	40.36	77	260,322	27,071	103.99	6.07
28	930,788	3,025	3.25	39.49	78	233,251	26,262	112.59	5.72
29	927,763	3,154	3.40	38.61	79	206,989	25,224	121.86	5.38
30	924,609	3,292	3.56	37.74	80	181,765	23,966	131.85	5.06
31	921,317	3,437	3.73	36.88	81	157,799	22,502	142.60	4.75
32	917,880	3,598	3.92	36.01	82	135,297	20,857	154.16	4.46
33	914,282	3,767	4.12	35.15	83	114,440	19,062	166.57	4.18
34	910,515	3,961	4.35	34.29	84	95,378	17,157	179.88	3.91
35	906,554	4,161	4.59	33.44	85	78,221	15,185	194.13	3.66
36	902,393	4,386	4.86	32.59	86	63,036	13,198	209.37	3.42
37	898,007	4,625	5.15	31.75	87	49,838	11,245	225.63	3.19
38	893,382	4,878	5.46	30.91	88	38,593	9,378	243.00	2.98
39	888,504	5,162	5.81	30.08	89	29,215	7,638	261.44	2.77
40	883,342	5,459	6.18	29.25	90	21,577	6,063	280.99	2.58
41	877,883	5,785	6.59	28.43	91	15,514	4,681	301.73	2.39
42	872,098	6,131	7.03	27.62	92	10,833	3,506	323.64	2.21
43	865,967	6,503	7.51	26.81	93	7,327	2,540	346.66	2.03
44	859,464	6,910	8.04	26.01	94	4,787	1,776	371.00	1.84
45	852,554	7,340	8.61	25.21	95	3,011	1,193	396.21	1.63
46	845,214	7,801	9.23	24.43	96	1,818	813	447.19	1.37
47	837,413	8,299	9.91	23.65	97	1,005	551	548.26	1.08
48	829,114	8,822	10.64	22.88	98	454	329	724.67	.78
49	820,292	9,392	11.45	22.12	99	125	125	1,000.00	.50

**MORTALITY TABLES AS PROVIDED IN ACT NO. 457, APPROVED  
AUGUST 31, 1953**

**American Experience Table of Mortality**

Age	Number Living	Deaths Each Year	Death Rate per 1000	Expectation of Life (Yrs.)	Age	Number Living	Deaths Each Year	Death Rate per 1000	Expectation of Life (Yrs.)
10	100,000	749	7.49	48.72	55	64,563	1,199	18.57	17.40
11	99,251	746	7.52	48.08	56	63,364	1,260	19.89	16.72
12	98,505	743	7.54	47.45	57	62,104	1,325	21.34	16.05
13	97,762	740	7.57	46.80	58	60,779	1,394	22.94	15.39
14	97,022	737	7.60	46.16	59	59,385	1,468	24.72	14.74
15	96,285	735	7.63	45.50	60	57,917	1,546	26.69	14.10
16	95,550	732	7.66	44.85	61	56,371	1,628	28.88	13.47
17	94,818	729	7.69	44.19	62	54,743	1,713	31.29	12.86
18	94,089	727	7.73	43.53	63	53,030	1,800	33.94	12.26
19	93,362	725	7.77	42.87	64	51,230	1,889	36.87	11.67
20	92,637	723	7.81	42.20	65	49,341	1,980	40.13	11.10
21	91,914	722	7.86	41.53	66	47,361	2,070	43.71	10.54
22	91,192	721	7.91	40.85	67	45,291	2,158	47.65	10.00
23	90,471	720	7.96	40.17	68	43,133	2,243	52.00	9.47
24	89,751	719	8.01	39.49	69	40,890	2,321	56.76	8.97
25	89,032	718	8.07	38.81	70	38,569	2,391	61.99	8.48
26	88,314	718	8.13	38.12	71	36,178	2,448	67.57	8.00
27	87,596	718	8.20	37.43	72	33,730	2,487	73.73	7.55
28	86,878	718	8.26	36.73	73	31,243	2,505	80.18	7.11
29	86,160	719	8.35	36.03	74	28,738	2,501	87.03	6.68
30	85,441	720	8.43	35.33	75	26,237	2,476	94.37	6.27
31	84,721	721	8.51	34.63	76	23,761	2,431	102.31	5.88
32	84,000	723	8.61	33.92	77	21,330	2,369	111.06	5.49
33	83,277	726	8.72	33.21	78	18,961	2,291	120.83	5.11
34	82,551	729	8.83	32.50	79	16,670	2,196	131.73	4.74
35	81,822	732	8.95	31.78	80	14,474	2,091	144.47	4.39
36	81,090	737	9.09	31.07	81	12,383	1,964	158.61	4.05
37	80,353	742	9.23	30.35	82	10,419	1,816	174.30	3.71
38	79,611	749	9.41	29.62	83	8,603	1,648	191.56	3.39
39	78,862	756	9.59	28.90	84	6,955	1,470	211.36	3.08
40	78,106	765	9.79	28.18	85	5,485	1,292	235.55	2.77
41	77,341	774	10.01	27.45	86	4,193	1,114	265.68	2.47
42	76,567	785	10.25	26.72	87	3,079	933	303.02	2.18
43	75,782	797	10.52	26.00	88	2,146	744	346.69	1.91
44	74,985	812	10.83	25.27	89	1,402	555	395.86	1.66
45	74,173	828	11.16	24.54	90	847	385	454.55	1.42
46	73,345	848	11.56	23.81	91	462	246	532.47	1.19
47	72,497	870	12.00	23.08	92	216	137	634.26	.98
48	71,627	896	12.51	22.36	93	79	58	734.18	.80
49	70,731	927	13.11	21.63	94	21	18	857.14	.64
50	69,804	962	13.78	20.91	95	3	3	1000.00	.50
51	68,842	1,001	14.54	20.20					
52	67,841	1,044	15.39	19.49					
53	66,797	1,091	16.33	18.79					
54	65,706	1,143	17.40	18.09					

**MORTALITY TABLE AS PROVIDED IN ACT NO. 457,  
APPROVED AUGUST 31, 1953**

**Commissioners 1958 Standard Ordinary Mortality Table**

Age	Number Living	Deaths Each Year	Death Rate per 1,000	Expectation of Life
0	10,000,000	70,800	7.08	68.30
1	9,929,200	17,475	1.76	67.78
2	9,911,725	15,066	1.52	66.90
3	9,896,659	14,449	1.46	66.00
4	9,882,210	13,835	1.40	65.10
5	9,868,375	13,322	1.35	64.19
6	9,855,053	12,812	1.30	63.27
7	9,842,241	12,401	1.26	62.35
8	9,829,840	12,091	1.23	61.43
9	9,817,749	11,879	1.21	60.51
10	9,805,870	11,865	1.21	59.58
11	9,794,005	12,047	1.23	58.65
12	9,781,958	12,325	1.26	57.72
13	9,769,633	12,896	1.32	56.80
14	9,756,737	13,562	1.39	55.87
15	9,743,175	14,225	1.46	54.95
16	9,728,950	14,983	1.54	54.03
17	9,713,967	15,737	1.62	53.11
18	9,698,230	16,390	1.69	52.19
19	9,681,840	16,846	1.74	51.28
20	9,664,994	17,300	1.79	50.37
21	9,647,694	17,655	1.83	49.46
22	9,630,039	17,912	1.86	48.55
23	9,612,127	18,167	1.89	47.64
24	9,593,960	18,324	1.91	46.73
25	9,575,636	18,481	1.93	45.82
26	9,557,155	18,732	1.96	44.90
27	9,538,423	18,981	1.99	43.99
28	9,519,442	19,324	2.03	43.08
29	9,500,118	19,760	2.08	42.16
30	9,480,358	20,193	2.13	41.25
31	9,460,165	20,718	2.19	40.34
32	9,439,447	21,239	2.25	39.43
33	9,418,208	21,850	2.32	38.51
34	9,396,358	22,551	2.40	37.60
35	9,373,807	23,528	2.51	36.69
36	9,350,279	24,685	2.64	35.78
37	9,325,594	26,112	2.80	34.88
38	9,299,482	27,991	3.01	33.97
39	9,271,491	30,132	3.25	33.07
40	9,241,359	32,622	3.53	32.18
41	9,208,737	35,362	3.84	31.29
42	9,173,375	38,253	4.17	30.41
43	9,135,122	41,382	4.53	29.54
44	9,093,740	44,741	4.92	28.67
45	9,048,999	48,412	5.35	27.81
46	9,000,587	52,473	5.83	26.95
47	8,948,114	56,910	6.36	26.11
48	8,891,204	61,794	6.95	25.27
49	8,829,410	67,104	7.60	24.45

**MORTALITY TABLE AS PROVIDED IN ACT NO. 457,  
APPROVED AUGUST 31, 1953—Continued**

**Commissioners 1958 Standard Ordinary Mortality Table**

Age	Number Living	Deaths Each Year	Death Rate per 1,000	Expectation of Life
50	8,762,306	72,902	8.32	23.63
51	8,689,404	79,160	9.11	22.82
52	8,610,244	85,758	9.96	22.03
53	8,524,486	92,832	10.89	21.25
54	8,431,654	100,337	11.90	20.47
55	8,331,317	108,307	13.00	19.71
56	8,223,010	116,849	14.21	18.97
57	8,106,161	125,970	15.54	18.23
58	7,980,191	135,663	17.00	17.51
59	7,844,528	145,830	18.59	16.81
60	7,698,698	156,592	20.34	16.12
61	7,542,106	167,736	22.24	15.44
62	7,374,370	179,271	24.31	14.78
63	7,195,099	191,174	26.57	14.14
64	7,003,925	203,394	29.04	13.51
65	6,800,531	215,917	31.75	12.90
66	6,584,614	228,749	34.74	12.31
67	6,355,865	241,777	38.04	11.73
68	6,114,088	254,835	41.68	11.17
69	5,859,253	267,241	45.61	10.64
70	5,592,012	278,426	49.79	10.12
71	5,313,586	287,731	54.15	9.63
72	5,025,855	294,766	58.65	9.15
73	4,731,089	299,289	63.26	8.69
74	4,431,800	301,894	68.12	8.24
75	4,129,906	303,011	73.37	7.81
76	3,826,895	303,014	79.18	7.39
77	3,523,881	301,997	85.70	6.98
78	3,221,884	299,829	93.06	6.59
79	2,922,055	295,683	101.19	6.21
80	2,626,372	288,848	109.98	5.85
81	2,337,524	278,983	119.35	5.51
82	2,058,541	265,902	129.17	5.19
83	1,792,639	249,858	139.38	4.89
84	1,542,781	231,433	150.01	4.60
85	1,311,348	211,311	161.14	4.32
86	1,100,037	190,108	172.82	4.06
87	909,929	168,455	185.13	3.80
88	741,474	146,997	198.25	3.55
89	594,477	126,303	212.46	3.31
90	468,174	106,809	228.14	3.06
91	361,365	88,813	245.77	2.82
92	272,552	72,480	265.93	2.58
93	200,072	57,881	289.30	2.33
94	142,191	45,026	316.66	2.07
95	97,165	34,128	351.24	1.80
96	63,037	25,250	400.56	1.51
97	37,787	18,456	488.42	1.18
98	19,331	12,916	668.15	.83
99	6,415	6,415	1000.00	.50

The Expectation of Life is the average number of years which a large number of persons of any given age have yet to live; that is, the sum of the years which all will live divided by the number of persons.

**COUNTY POPULATION**  
**1960 FEDERAL CENSUS**  
**1970 FEDERAL CENSUS\***

	1960	1970		1960	1970
Autauga	18,739	24,460	Houston	50,718	56,574
Baldwin	49,038	59,382	Jackson	36,681	39,202
Barbour	24,700	22,543	Jefferson	634,864	644,991
Bibb	14,357	13,812	Lamar	14,271	14,335
Blount	25,449	26,853	Lauderdale	61,622	68,111
Bullock	13,462	11,824	Lawrence	24,501	27,281
Butler	24,560	22,007	Lee	49,754	61,268
Calhoun	95,878	103,092	Limestone	36,513	41,699
Chambers	37,828	36,356	Lowndes	15,417	12,897
Cherokee	16,303	15,606	Macon	26,717	24,841
Chilton	25,693	25,180	Madison	117,348	186,540
Choctaw	17,870	16,589	Marengo	27,098	23,819
Clarke	25,738	26,724	Marion	21,837	23,789
Clay	12,400	12,626	Marshall	48,018	54,211
Cleburne	10,911	10,996	Mobile	314,301	317,308
Coffee	30,583	34,872	Monroe	22,372	20,883
Colbert	46,506	49,632	Montgomery	169,210	167,790
Conecuh	17,762	15,645	Morgan	60,454	77,306
Coosa	10,726	10,662	Perry	17,358	15,888
Covington	35,631	34,079	Pickens	21,882	20,326
Crenshaw	14,909	13,188	Pike	25,987	25,038
Cullman	45,672	52,445	Randolph	19,477	18,331
Dale	31,066	52,938	Russell	46,351	45,394
Dallas	56,667	55,296	Shelby	32,132	38,037
DeKalb	41,417	51,981	St. Clair	25,388	27,956
Elmore	30,624	33,535	Sumter	20,041	16,974
Escambia	33,511	34,966	Talladega	65,495	65,280
Etowah	96,680	94,144	Tallapoosa	35,007	33,840
Fayette	16,148	16,252	Tuscaloosa	109,047	116,029
Franklin	21,988	23,933	Walker	54,211	56,246
Geneva	22,310	21,924	Washington	15,372	16,241
Greene	13,600	10,650	Wilcox	18,739	16,303
Hale	19,537	15,888	Winston	14,858	16,654
Henry	15,286	13,254	Total	3,266,740	3,444,165

\*The ninetieth day after the first day of the first regular legislative session held after the publication of the official federal decennial census for Alabama is fixed by law as the date for any re-classification under any law requiring classification based on such census.

**CITY POPULATION**  
**1960 FEDERAL CENSUS**  
**1970 FEDERAL CENSUS**

	1960	1970		1960	1970
Albertville	8,250	9,963	Huntsville	72,365	137,802
Alexander City	13,140	12,358	Jacksonville	5,678	7,715
Andalusia	10,263	10,092	Jasper	10,799	10,798
Anniston	33,657	31,523	Lanett	7,674	6,906
Athens	9,330	14,360	Leeds	6,162	6,991
Atmore	8,173	8,293	Midfield	3,556	6,899
Attalla	8,257	7,150	Mobile	202,779	190,026
Auburn	16,261	22,767	Montgomery	134,393	133,386
Bay Minette	5,197	6,727	Mountain Brook	12,680	19,474
Bessemer	33,054	33,428	Muscle Shoals	4,084	6,907
Birmingham	340,887	300,910	Northport	5,245	9,435
Brewton	6,309	6,747	Opelika	15,678	19,027
Chickasaw	10,002	8,447	Opp	5,535	6,493
Cullman	10,883	12,601	Ozark	9,534	13,555
Decatur	29,217	38,044	Phenix City	27,630	25,281
Demopolis	7,377	7,651	Prattville	6,616	13,116
Dothan	31,440	36,733	Prichard	47,371	41,578
Enterprise	11,410	15,591	Russellville	6,628	7,814
Eufaula	8,357	9,102	Saraland	4,595	7,840
Fairfield	15,816	14,369	Scottsboro	6,449	9,824
Florence	31,649	34,031	Selma	28,385	27,379
Fort Payne	7,029	8,435	Sheffield	13,491	13,115
Gadsden	58,088	53,928	Sylacauga	12,857	12,255
Gardendale	4,712	6,502	Talladega	17,742	17,662
Greenville	6,894	8,033	Tarrant City	7,810	6,835
Guntersville	6,592	6,491	Troy	10,234	11,482
Hartselle	5,000	7,355	Tuscaloosa	63,370	65,773
Homewood	20,289	21,245	Tuscumbia	8,994	8,528
Hueytown	5,997	7,095	Tuskegee	1,750	11,028
			Vestavia Hills	4,029	8,311

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1955 Reg. Sess., Act No. 476, 23rd jud. cir., comp. of deputy dist. attys.—Act 1129, H. 1425	1904
1955 Sec. Sp. Sess., Act No. 78, alcoholic bev's. mark-up price, certain proceeds to be used for gen. welfare purposes instead of old age assist. only, to supp. Fed. Soc. Sec. Act—Act 824, H. 1113	1291
1956 Sec. Sp. Sess., Act No. 22, Secs. 1, 2, 3, and 6, B'ham fire dept., deductions from salary and rights, benefits, pensions and relief of mems. and former mems. under 1943 Act No. 307—Act 417, H. 1636	607
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1959 Sec. Sp. Sess., Act No. 100, Sec. 33, state sales tax act, air and water pollution control devices exempt—Act 1169, H. 1211	1966
1961 Reg. Sess., Act No. 394, Lee Co., deputies and ass'ts. of sheriff, comp.—Act 301, H. 1386	426
1961 Reg. Sess., Act No. 491, cities 60,000-70,000 (Tuscaloosa) com. form of gov't., election date changed—Act 1045, S. 857	1655
1961 Reg. Sess., Act No. 780, Madison Co. pop. basis, Airport Auth. Act, title and Secs. 7, 11, 14 and 22 to continue to apply to such cos. regardless of pop. change—Act 385, H. 1244	560
1961 Reg. Sess., Act No. 803, Jeff. Co. pop. basis, time and manner of contesting elections when voting machines used—Act 746, S. 75	1105
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1961 Sp. Sess., Act No. 129, Chambers Co., deputy solicitor's comp.—Act 662, H. 1521	1002
1962 Sp. Sess., Act No. 31, Washington Co. pop. basis, co. bd. of ed., comp.—Act 281, H. 848	312
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1965 Reg. Sess., Act No. 154, Calhoun Co. pop. basis, salary of lic. com. increase, retro.—Act 131, H. 194	164
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1965 Reg. Sess., Act No. 547, B'ham-Jeff. Co. Civic Center Auth., powers, officers, hiring of architects, bonds—Act 497, H. 819	729
1965 Reg. Sess., Act No. 549, Secs. 9-403—9-407, Uniform Com. Code, secured transactions, filing fin. statements, fees—Act 865, H. 517	1365
1965 Reg. Sess., Act No. 654, cigarette tax, pledging revenue to add. bonds of State Indust. Development Authority—Act 1021, H. 1138	1558
1965 Reg. Sess., Act No. 833, Sec. 9, insur. costs pd. by state for ind. employees, max. amount deleted—Act 818, H. 1060	1283
1965 Reg. Sess., Act No. 880, probation services for juv. delinquents in cos. of 59,000 or more where not provided by pensions and security dept.; approp.—Act 766, H. 401	1174
1966 Sp. Sess., Act No. 79, Sec. 15, Jeff. Co. fire fighting and garbage disposal dists.—Act 717, H. 1514	1072
1966 Sp. Sess., Act No. 168, Ala. Historical Com., membership increased—Act 1077, H. 1549	1831
1967 Reg. Sess., Act No. 88, as am'd., Crenshaw Co. pop. basis act, tax assess. and coll., clk. hire allow.—Act 459, S. 605	647
1967 Reg. Sess., Act No. 114, Cleburne Co. gov. body, comp. and allows.—Act 671, H. 1870	1016
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